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Whitehal,

**T**His Second Part of Doctor *William Howel's* Institution of General History, or History of the World, beginning from the Monarchy of *Constantine* the Great, and continued to the taking of *Rome* by *Odoacer* King of the *Heruli* and the Destruction of the Empire of the *West* :

Is Licenced to be Printed by the Consent and Direction of the Right Honourable *Henry Coventry* Esquire, His MAJESTIE'S Principal Secretary of State.

Jo. Cook.

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AN  
INSTITUTION  
OF  
General History,  
OR THE  
HISTORY  
OF THE  
WORLD.

The second Part.

CONTAINING

That of the *Roman* Empire, its flourishing Condition, its Middle or Neutral State, and its Ruine and Downfal in the West.

FROM

The Monarchy of *Constantine* the Great to the taking of *Rome* by *Odoacer* King of the *Heruli*, and the Erecting of a Kingdom of *Barbarians* in *Italy*.

WITH

An Account of the Polity of the Empire, and of the several Laws of Moment made, during the Reigns of the Emperors, both in East and West to this Period.

By **WILLIAM HOWEL, LL. D.** sometimes Fellow of *Magdalen* College in *Cambridge*.

L O N D O N,

Printed for *Thomas Bassett*, at the *George* in *Fleetstreet*, *William Crook*, at the *Green Dragon* without *Temple-Bar*, and *William Cademan* at the *Pope's Head* in the *New Exchange*. 1680.

TO THE  
KING.

May it Please Your Majesty,

**I** Here most humbly Present to Your Majesties Patronage a Second Volume, or Continuation, of that History which Your Majesty was Pleas'd formerly to Accept, and to Encourage. The Extent of it is not so large as that of the former, as to Time; but it is rather Superior to it, in respect of the Matter which it handles. Here is presented to View, the greatest Empire, or the Roman, in its full Latitude and Proportion; as to its Polity, and manner of Government, both Military and Civil. And here is Vindicated one of the greatest Monarchs it ever produced, Consider him in all Circumstances; so much Your Majesties Predecessor, that in this Your Kingdom he had his Original, not only of Empire, but Life also, as is most Probable, and was the first Defender of the Faith; the true Reason of all the Calumnies rais'd against him. This Volume also Contains that great Revolution of the Ruine of the Roman Empire in the West; by what means and methods it was accomplished. All which the Author lays at Your Majesties Feet, being

Your Majesties

most Loyal Subject

WILLIAM HOWEL.



# PREFACE.

THE Author having already given an Account of the Occasion of his Undertaking this Work, as also of the Usefulness of the Subject; yet finds himself obliged here to have something said which may contribute to the Reader's benefit in the Perusal of this Second Volume, and that Reader who is utterly unacquainted with the State and Condition of the Times on which it insists.

Such an one having Perused the First Part of this Work, and considered the Method of its Books and Chapters, the Disposition thereof, the Synchronisms and Conjunction of the Empires and Contemporaries, will be prompted thence to look for the same in this, and, perhaps, tax the Author for want of Skill or Diligence; when the want is only in his own Head, of due Knowledge and Consideration.

For upon search, he will discover the then known World, possessed and governed in a manner by one Empire; and such Kingdoms as were at the same time in Being, to have had little observable, and upon Record, but in relation to this Empire, as engaged in War or otherwise concerned, with it. From the Monarchy of *Augustus*, till the Taking of *Rome* by the *Heruli*, and the Dissolution of the Empire in the West, there are otherwise no Contemporaries considerable. Perhaps the Names and Succession of some *Persian*, or of other barbarous Princes may be found, mentioned by the way, of which it would be imprudent separately to Treat, till these Northern barbarous Nations be found fixed and grown to some considerableness, by their Establishing of Kingdoms in the *Roman* Soil. Then the Reader will have them (being the Beginnings of these Modern Powers he sees in Christendom and elsewhere) described as to their Original, Progress and Polity, in the same Method as he beholds the first Volume; as Contemporary with the *Roman* Empire still subsisting, though under a new and second Head, in the East.

Farther, the Author upon some Intelligence of late received, doth fancy he sees such a Reader, taking his Prospect of this Book from the last Page thereof, instead of that of the Title, and turning to the End instead of looking at the Beginning, with a Question, *How far doth it come?* and possibly concluding his Survey with this Expression of Disappointment, *What no further?* And his haste to make the Discovery, he imagines, may be so great, as not to consult this Preface in his way, and thence to take his Measures, whereby his Questions and Wonder might be prevented.

But the Author thinks it the best sort of Remedy in this case, to drive out a lesser Wonder by a greater, by telling him, That he is very sorry for his Mistakes; but exceeding sorry that this Second, and the other Volumes now in a manner ready to come forth, reach so late as they do. His Reasons are, because the Civil State of these Times,

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whereof now he writes, is exceeding Dark. That in the next place, few have undertaken to make them lighter with any great Success, And yet they are such as afforded rather more Copious Matter for Histories, than any other before or since. Never so spacious and Potent an Empire as that of the *Romans*. Never such Revolutions as in the Cantonizing of this Empire into particular Barbarous Kingdoms; in the Motions of the *Goths* and *Vandals*, and other Northern Nations, and their various Attempts often frustrated, and at last prevailing. What Battels! What Stratagems in War! What Consultations! What Policies did they procure! How would our Annals have swelled with such Passages, had the Particulars happened in our days?

How great a Pleasure would it have been to any that desire to understand the state of former Ages, and the Original of their own Nation, to have had discovered how by degrees the poor *Britans* were Conquered by the *English Saxons*, and others, Invaders of this Island? Numerous must have been the Battels, and various the Arts or Acts which must have rooted them out, and driven them out of these Parts, into the Mountainous Coasts, or beyond the Seas. How delightful would it have been to know the Distribution of the Conquered Countries, the planting of Colonies, the modelling of these petty Kingdoms, the Destruction of the ancient Cities and Towns where such quantities of *Roman* Coins are now digged up, the Building of new, and the way of Governing all?

The Author professeth he cannot travel the Countrey about *Salisbury* or other Plains, where those *Tumuli* are presented to his View (by which he imagines a Battel may be traced, and the Places and Greatness of slaughter discovered, though they be but blind Monuments of the Slain) but he must needs sigh, and apply *Horace* his *Vixere sorores ante Agamemnona*, &c. to this and other unhappy Occasions.

Reader, thou canst afford, That the History of a few years of Modern Passages, (perhaps a Civil War) make up an entire Volume, and not grudge that the Writers dwell upon such things as have in some reasonable manner been handled also by others; and is thy Curiosity so small, as to be content with some Scraps of former Ages, not Barren of great and glorious Things, but rather Barren of such Writers as were able to transmit them to Posterity? Wouldst thou be content, as to them, with a few Names? a few insignificant Hints? Desirest thou a rough Draught, or rather preferrest some touches, before a Picture? Do'st thou covet a Rhapsodie? and art thou in Love with Meagerness and Skeletons? Consider what thou wouldst have: This second Volume, perhaps, drawn down to the Conquest, or thou cared'st not if even to our present Times. Thou knowest not, then, what numerous Kingdoms, States, and Principalities are contained in these Centuries. Alas! thou wouldst be little or nothing bettered in the Knowledge of Times, of Successions, of Myseries of War and Peace. Such a Book would scarcely exceed the worth of the Since's of a Two penny Almanack; perhaps more right in its Chronology, but little more considerable for its Materials.

But to give thee some Satisfaction in the room of the pleasing variety of Contemporaries, which here are not to be had; and to quiet thine Imagination,

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Imagination, the Author hath done his Indevour to present thee as it were with a Prospect of a new World. Other sorts of Persons, Magistrates, Offices and Employments, thou wilt possibly here meet with than thou takest notice of in *Lucy*, *Florus*, *Suetonius*, or *Tacitus*. The Author finding thee a Stranger, hath resolved to take such pains, as a good Governor or Guide, who hath Interest and Acquaintance, is wont to do with young Travellers. He will carry thee to Court, and there shew thee the Greatest Monarch in the World, his Person, Power, State, and Magnificence. He will labour to acquaint thee with all his Ministers, and let thee know the Nature and Extent of their Authority and Jurisdictions; lead thee into all their Offices, and shew thee the manner of their Proceeding, and expediting their Business; how they, and those under them, were chosen and admitted to, and how dejected of their Employments. From the Court, he will Conduct thee into the Country, and there make known to thee, the Government of the Provinces, how subordinate, with the manner and limitations of their Administration. He would be sorry to leave thee unacquainted with the Cities and Corporations, their Courts, their Chief Magistrates, and Inferior Officers; and that in the Execution of their Powers. He is Ambitious also to instruct thee in the Discipline of the Camp, the Power, Variety, and Subordination of Commanders; in Sum to give thee a full View of the whole Polity, both *Military* and *Civil*. This he hath proposed to himself, being of Opinion, That an Historian's Task, as to Times past, is much the same with that of a faithful and able Governor of Travellers, as to the present.

Not only to show thee a pleasant City or Country, to give thee opportunity of knowing some Stratagems of a Battel, and the manner of Besieging a Town; but also as much apprehension, as can be with Convenience, of the Customs and Laws of the Country; such Laws as respect the *Jus Publicum*, the Polity, state and manner of Government, not so much the *Jus Privatum*, or that betwixt man and man concerning Contracts, Actions, and manners of Proceedings in Courts, for that would be to suppose thee rather a Native of the Country, where such Laws are in force, not a Stranger; and for him to write a Book of Law, and not of History.

It is to be acknowledged, That he hath not many to imitate in this kind, and that most Writers have been so strait laced, as if a principal Law of an History were to have no Laws mentioned in it. But consider whether Profit or Pleasure be the chief end of History; if Profit, whether it consist in understanding things of lesser or greatest Consequence and Use for Humane life. Certainly those of greatest Consequence are those which relate to the Publick, which are in the hands and management of Princes, Magistrates, and publick Persons. If Histories be useful, because they set before us good Patterns and Examples, and shew us what Errors and Mistakes have been committed, and how to prevent or redress them, certainly this is most desirable as to the grand Interest of a State or Government it self. Now this Law History doth perform above all others. Fundamental Laws shew the Wisdom of first Settlements, and other Laws occasionally made, direct how to supply such Defects, and Cure such Distempers as, through the

*Vixere sorores ante Agamemnona*  
Multi, sed omnes  
illachrymans  
bitte angere  
tar, lenit  
longa Noctis  
carum gale  
vultu facta  
Caru. lib. 4.  
od. 9.

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the naughtiness and frailty of Men, and the vicissitude of Times and Affairs are incident to all Governments. And as Law-History acquaints us with things of most Publick and general concernment; so of all others it is most certain, and less liable to Mistakes. By the Medicine, we may well judg of the Disease; the Legislative Authority being presumed to understand more than a private Man, concerning the Constitution and Crasis of a State; as, in a Disease, the Skill of a practised Physician exceeds that of a Person whose breeding hath not fitted him for such Observations.

And however the Practice of Law-History hath been generally omitted, and those of a War, or more ordinary things been followed; yet some Writers have been so far convinced of the Usefulness of it, as, less or more, they have made relation of such Laws as have been Enacted in the Times whereof they wrote.

For, the most ancient Writings now extant in the World, and which bear the stamp of Divine Authority, are of this Nature; even the *Pentateuch* of *Moses*, which is purely *Historical*, and in way of *History* delivers the Laws and Constitutions made by God himself; who was Legislator and King of the *Jewish* Nation in its first Establishment.

As *Moses* was learned in all the Learning of the *Agyptians*, and mighty in Words and in Deeds; so are his Histories of such a Composure as none in the following Ages could imitate. Great things performed in the Heathen world were Sung by *Bards* and *Poets*, the Design of whom being, by relation of such Actions, to excite their youth to imitation, they added Fictions to them; such Lineaments and Colours they gave to their Pictures, as might represent them most lively: and by contrary Representations, they put more Deformity upon such Persons and Passages as they intended to make odious; and so *Fiction* and *History* continued a long time together.

At length they parted though still they shewed some Kindness for each other; and such as betook themselves to the Composing of Histories, made choice of a pleasant way of Writing, pleasant to themselves, and to such as should read, or rather hear them; so as, however their Narrations might be true, yet they produced them in such a dress, and so ordered them, as to gain Applause from popular Assemblies; as at the *Olympick Games*, and other solemn Meetings. They left out such things as would trouble both themselves and others to understand. The Story of a War; a Battel; perhaps, of a Truce or League, would take; tickling their Fancies by variety of Stratagems, Devices, and particular Accidents. Whereas the Reason and Severity of Laws, would make the Auditors gaze, and shrug their Shoulders, neither caring to reach the one, nor loving to meditate on the other. But such was the Custom, at the *Olympicks*, not only to have exhibited Labours and Dexterities of the Body, but also of the Brain; as appears by what is related concerning *Herodotus* his History there recited, and the Emulation of *Thucydides* thence contracted, not to mention *Dionysius* his sending his bald Poems there to receive approbation. And that it continued to be the Custom in other Assemblies, even to the time of *Ammianus Marcellinus*, the Reader will perceive by what he finds in this Volume concerning the Person and History of that Writer.

Sometimes

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Sometimes yet, as was said, they would mention Customs and Uses, and now and then a Law; in short and by the way, as is the practice of *Herodotus*, *Diodorus Siculus*, and others concerning the *Chaldeans*, *Agyptians*, and other Nations; but this was towards Strangers; a Custom observed generally by Historians, to relate the Policy, Government, and some Laws of Foreigners, but scarcely those of their own Countries except *Plutarch*, as a *Grecian*, may be said to have done it in the Lives of *Solon* and *Lycurgus*. The reason was, they wrote not so much to benefit Posterity, as to gratifie the Age in which they lived; to which they thought it would be nothing pleasing to read such things as they already knew.

Therefore are we more beholding to *Dionysius Halicarnassensis*, *Plutarch*, *Dion Cassius*, and other *Greeks*, for giving us an account of the *Roman* Policy, such as it was under the Kings, and the Change made by *Julius Cæsar* and *Octavius*; rather than to *Livy*, or other of the *Roman* Writers. To some it became commendable to write concisely and finely as it was then esteemed, and to make some Flourishes and Descants upon things, rather than penetrate into the depth of Affairs, and explain the Original and Issue of Actions; so as to give light and assistance to Humane life. If this way, even then as well as in later times, gratified not Readers more than Truth it self; *Florus*, or he that wrote that Book, was vilely mistaken, who cared not what he wrote, so it was *Florus*, as is evident from the gross mistakes he commits, even in most known and famous Passages, of which the Author hath taken notice upon occasion; because his Errors are baited by pleasing Language.

Others were more Grave and Serious; and their Names are never to be mentioned without Honour, for their Skill and Diligence in relating the great Affairs both of Peace and War. But, a very learned Man in the last Age complains, that when they touch at Laws, they do it *tanquam Canes ad Nilius*, as afraid of some Rock, of which they clear themselves as soon as possible; especially such of them as had not been Educated in matters relating to the *Forum*; chusing rather to describe an Army, the form of the Camp, the kind and manner of a Fight, and the number of the Slain, or other matters in a copious and pleasant style, than to shew the occasions and fitness of Laws. But, saith he; shall a certain Speech and Aphorism be mentioned, and a Noble Law relating to Reformation of Manners, Regulation of Officers, or Mode of Government be neglected? Some notable Decision long and often debated, and that publicly, be passed by?

*Dionysius* and *Livy*, he adds, deliver the History of the change of Government introduced by the *Decemviri*, copiously enough. Being created for the very making of Laws, they tell us, That of Laws they ordained twelve Tables. But what these Laws were, or what was written in these Tables, they tell us not; which, he affirms, they certainly ought to have done. One Law or two, perhaps, they mention; but why not the rest, being of so vast concernment? both as they were the Foundation of the Civil Law, and made so great a change in the Administration of the Commonwealth? Some make mention of the Laws called *Vocinia*, *Falcidia*, *Papia Poppæa*, and others; but they explain not one Sentence of them, he tells us; as they ought,

not

Dr. Baldwinus  
Distribuit  
Hortus anti-  
versæ, de quæ  
cum Jurispru-  
dentia Cuius-  
dam.

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nor recite the words without Mistakes. He proceeds in lamenting, that though *Plutarch* writes the Lives of *Sulla* and *Cæsar*, yet he explaineth not the *Cornelian* nor *Julian* Laws. *Suetonius*, *Lampridius*, *Spartian*, *Capitolinus*, and others undertook the fame for the succeeding Emperors, and they so relate their Acts, Sentences, Apothegms and Practices, as pretending also to recite their Judgments, and Constitutions. But he bewails that their Relations are confused, jejune and mutilated; that what they deliver is lame and mistaken, being unskillfully delivered by those who understood not that whereof they wrote, which is to be amended and supplied out of the very Books of Laws themselves.

But he acknowledgeth that one Person, and he an extraordinary one, there was, who is said to have been exact in the way of writing Histories. This was *Atticus* that dear Friend of *Cicero*, concerning whom *Corn. Nepos* in his Life reports, That being a Lover of Antiquity, he so exactly understood it, that he exposed it all to View, in a Volume he wrote of this Subject, wherein there was no Law, no Peace, no War, nor any other memorable thing of the Roman People, but he took notice of it; being herein, it seems, most Conformable to *Moses*, of all others. And so the lately mentioned Writer affirms, every one ought to do, who pretends to Compose an Exact History, not only to take notice of such Laws as respect the Government and Policy, but even of those also which belong to the *Jus Privatum*, when by reason of the want of knowing theirs, History it self; That is, saith he, the State and Condition of the Commonwealth at that time, the form of Judgments and Customs cannot be known. This course the Author hath indeavoured to imitate in this Second Volume, so far as was convenient, and to supply in large Additions, what time and his Health would permit, during the Reprinting of the first, which he wrote at such an Age, as the Laws could not be well known unto him, as neither the World so well, as now, though of the World he wrote; but what otherwise might be wanting, he indeavoured to supply with Care and Industry.

As the Method thereof was wholly his own, without the least hint or suggestion from any others, except he could receive any inconsiderable one from reading *St. Augustine De Civitate Dei*, where he joyns together in time the Kingdoms of the ancient *Greeks*, and the state of the *Israelites*; so there are few of the Classical Authors but he diligently read, and as occasion required, abbreviated them so as to serve his purpose. And as he omitted not consulting Modern Writers; the neglect of whom would have argued both great Imprudence and Arrogance; that he may acknowledge from whom he received most assistance; as to pointing to Matter, and Matter it self, he had much help from the *Annals of Bishop Usher*, but especially from the *Chronicon* of *Dr. Simson*, an Excellent Book, though written in that way of Annals. And as to this second Volume for Illustration of the Laws, and often of History, he acknowledgeth the great Information and Assistance he hath had from the Commentaries of *James Gothofred*, an extraordinary Person, for so far as the Code of *Theodosius* doth extend.

And the Author being now in the way of giving every man his due, is joyful of this opportunity long look'd for, to discharge a Debt, wherein the Reader himself is concerned, if he receive any benefit, by

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by the largement and continuation of this Work. This is to the Memory of that truly Honourable and Learned Person Sir *Orlando Bridgman*, late Lord Keeper of the Great Seal of England. Of all sorts of Injustice, that of Ingratitude is most black and ugly; being by the *Persians* esteem'd the greatest Crime of all others. Indeed they and all other Nations have accounted *Undutifulness* to Parents, and *Neglect* of Masters, or those that brought us up, who spent much time and pains upon us, and indeavoured to make us both good and knowing, the worst sort of Ingratitude, such being never too much required, in the Opinion of good and generous Persons. Yet though to them we owe our Beings, and what is more, our truly well Beings; yet a third degree of Respect and Acknowledgment is due to those, who by some extraordinary Acts in the Turns, and Occurrences of our Lives, contribute to the prevention or removal of some notable Impediments to the comfortable enjoyment of them, or else considerably to the addition of our Conveniences. Such Favours he must ever acknowledge to have received from that worthy Person, whose Kindness had that Advantage which gives the greatest Relish to all Acts of Generosity that it was seasonable. So seasonable it was in reference to this Work, that it must have miscarried, had it not had his assisting hand. The Effects of his Kindness were very considerable to the Author; and that they were not more, the fault was in some other Men. May these Papers, if they should have the good Fortune to Survive, continue to be the Monument of Sir *Orlando Bridgman's* Merit, and the Acknowledgment of the Author, who still shall say, as that Noble Emperor *Gratian* wrote, when out of Gratitude to *Ausonius* his School-Master, (after many Acts of Bounty to him) he conferred on him the Consulship, the highest Dignity of which a Subject was capable; *I have Paid what I ought, and I still owe what I have Paid*.

The Author having made his due Acknowledgments, is now much at Ease, notwithstanding the Risque he runs even by his Indeavours to serve the Publick. He is now a little acquainted with the World. He is sensible how an inferior sort of Men, big with Business, endeavour to render as unserviceable those that are given to Books; and would have the Study of good Letters to be Useless. And it is to be expected that in the next *Ragguagli di Parnasso*, we shall hear that *Apollo* hath found a blot in the Eiscocheons of *Xenophon*, *Epaminondas*, *Alexander*, *Cæsar*, *Julian*, and other Persons of greatest Eminency in all Ages; for management both of Civil and Martial Affairs, for being Scholars, and very many of them, Writers too.

But besides the Danger he incurs *ipso facto*, by being Bookishly affected, and that as far as Authorism it self, though not given to Play, he has heard of the Game of Hot-cockles, how he lyes down that Writes a Book, and whoever pleases takes the liberty of Striking: He is sensible of the great Disadvantage of Expectation, and that second Attempts often prove unsuccessful, in point of Reputation; not but that the Authors are the same, or more able than before; but the Reader himself is in fault, as well in unadvisedly raising his Expectation, as not at all considering the Subject or Matter handled, but expecting the same Copiousness and Variety in barren, as in fruitful

Grounds;

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Grounds, being of the same humour with some strangely conceived People, who being to choose a Chaplain, pick out the most abstruse Text they can find in the whole Bible, the most obscure and least significant place, and expect he should be as ready, discourse as Learnedly, Copiously, and Profitably upon it, as upon any the most Pregnant in Holy Writ. In Conclusion, he is not unacquainted with the Passions of those, who in some Countries have Traded in Books, who overgrown with Wealth, or Angry that they were not employed, imagining they carried the Life and Death of a Book upon the Tip of their Tongue or Pen, have upon asking for a Treatise newly Published, turned the Face aside, look'd Grave, and dropt this Expression, *It doth not answer Expectation*; or such others, as Avarice or Envy have Extorted.

Such Accidents as these, and other things considered, have sometimes put the Author into a fit of Musing; and he hath often complained, That the same Fortune hath befallen him in this long and laborious Work, as usually attends Builders. Such, seldom or never come off with the Double or Treble of that Trouble, Cost, and Expense which they first designed. At first they propose to themselves a Convenience; but are farther drawn in, either by their own Fancy, or the Tricks of Artificers; so far, as not seldom to complain, That they can neither go back, nor well proceed; but are driven into such Inconveniences, that the Family is often indangered to Erect the House. At first, the Author designed only a Convenience for a single Person; but the Structure is grown a burthen insupportable to him, as any who know him in all Circumstances of Health, and other Abilities, and the Nature and Condition of the Charge, will easily judge.

However, as to what is past, there is no way but to be animated both against the former usual Accidents, and even his own Defects. Of the later, he is very sensible, and is more apt than any other to think meanly of his own Performances, in which he can never satisfy himself; and yet without some stock of Confidence, no work beneficial to Mankind can ever be begun or carried on. He prays thee at parting to take these few hints along with thee. First, That his way and Method in this Work is new, and not formerly practised, and therefore, if it be not so exact, but have some Mistakes, good natur'd Persons will easily excuse his well-meaning Design, who may they the way to others to do better, and from his Experience could easily amend what in the first Attempt cannot but be more Defective. Therefore if thou find it in this Volume, a greater number of Constitutions or Edicts mentioned than was intended, and possibly concerning the same Subject, consider, that in such a multitude as he ran through, his first Choice and Survey, could not be so regular and exact. But though they may seem many upon the same Subject, and often relating to Officers about the Court and Country; yet there is scarcely any one but hath something new, something observable more than that preceding it; and the subject is *Roman*, belonging to the *Roman Empire*; The Laws, Language, Customs, Antiquities, and even particular Remarques of which, the World hath thought fit to value

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value as Learned, and to be had (especially by all Scholars) in great Esteem.

The Reader must also know, That the Author at first designed to add Ecclesiastical Affairs to those of the State, and to joyn them in one Volume; but upon second Thoughts concerning due Method, hath found it necessary to reserve his Collections to a Volume by themselves, to which this second will afford great, and even necessary, Light to the understanding of the Ecclesiastical Polity; Church and State having been as Twins, and embraced the same Modes of Government. But it will be most profitable to have them treated of apart, especially after *Constantine's* time, when the Polity was grown up, and plentiful matter was afforded for History from the Actions of Christians amongst themselves, and especially from the Struggling of Christianity with Paganism, its great Endeavours to suppress it, the manifold Edicts and Constitutions of Emperors, published to this end and purpose. These afford noble Matter for a Treatise, chiefly to be wrought out of the Body of the *Theodosian* and *Justinianean* Codes.

Something at last should be spoken concerning the Language and Style of this Volume; but the Reader cannot be supposed so Ignorant, as not to distinguish Habits; what is fit for an History, and what for a Poem or Romantick Story. Each Subject hath its proper dress; as to which, though the Author possibly hath not been so exact as he should, or possibly could have been, and even to hit the humour of the Times, which still will be making Modes and Dresses, yet he despairs not of Excuse from those that are more understanding and learned. Such Persons will remember, That the Ancients accounted *Perspicuity* to be the greatest Virtue of Speech.

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T. P. T. A. H. M.

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# THE ROMAN EMPIRE,

From the MONARCHY

OF

## Constantine The Great,

TO THE

Taking of *ROME* by *ODOACER*, and the Ruin  
of the *EMPIRE* in the *WEST*.

### CHAP. I.

*The Vigorous Estate or Condition of the Empire, during the Government of Constantine and his Family. From his Monarchy to the Death of Julian; With an Account of the Policy of the Empire.*

#### SECT. I.

*From the Monarchy of Constantine to his Death; the space of Thirteen Years and odd Months.*

Constantine  
now Monarch.



Constantine having overthrown and wholly subdued *Licinius*, his Enemy, (both as *Christian* and *Emperor*) obtain'd the Sovereignty of the whole *Roman* World, in the *Eighteenth* year of his Reign, the fourth of the two hundred seventy fifth Olympiad, the thousand seventh seventh of *Rome*, and the twelfth Indiction, *A.D.* *Cccxxiii*; his two Sons *Crispus* and *Constantine* (*Cæsars*) both of them the third time being *Consuls*.

*A.D.*

323.

Comes to Theſſalonica with his Priſoner *Licinius*.

and makes ſeveral good Laws.

Repeals thoſe of *Licinius*.

2. Having Completed his Victory at *Nicomedia*, (the moſt Eminent City of *Bithynia*, and all thoſe quarters) he there continued near five Months, as well for the re-ſettlement of his Affairs, as the Love he bore to the Place; and then return'd with *Licinius*, his Priſoner, into *Macedonia*; and came to (a) *Theſſalonica*, where he made ſeveral Laws, both for the Security of his Eſtate, and the general Welfare of his Subjects. The Army he oblig'd, by ordering the Privileges of the (b) *Veterans*, or old Emerit Souldiers, to be Recorded in that they call'd *Emancipation*, or *Ceruffe*, after the moſt durable manner. The burthen, which during the Tyranny of *Licinius*, had lain upon the Inhabitants of *Chalcedon* and *Nicomedia* by unequal Impositions of (c) extraordinary Charges, he took off, by referring things of this nature to the Diſcretion of the Governours of the Cities. Then did he by another (d) *Edict* repeal all the Laws and Conſtitutions of *Licinius*, which were contrary to the antient Laws, or his own Decrees, as it was the conſtant cuſtome of Emperours to reverſe all things that had been Enacted by thoſe they call'd Uſurpers or Tyrants, either preſently after their Fall, or as ſoon as a fit opportunity preſented it ſelf; and as he formerly had dealt about the Ordinances of *Maxentius*. Now for our Underſtand-

*Criſpus & Conſtantine* (*Cæſars*) both of them the third time being *Conſuls*.

(a) l. 4. de Noſtitutionibus C. de his qui veniunt aſiaticis.

(b) l. 1. de Veteranis Cod. Theſſalonica.

(c) l. 4. de extraordinariis, five ſordidis, Cod. Theſſalonica.

(d) l. 1. de reſcriptis Cod. Theſſalonica.





A.D.  
325.

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e (no Tyran-  
is &.  
i Gothofred:

bronc. Alc-  
and. apud  
bron. Teum



Sect. 1. *Goths*, which the Reader may see Exemplified in *Baronius* his Annals. But of this A. D. 330. more hereafter.

New Rome, or  
Constantinople  
founded.

Upon what In-  
ducements.

10. The only truth in *Zosimus* his Relation is the Circumstance of time that this War hapned, when New Rome, or Constantinople was founded. For now it was that a second Head began to arise out of the Neck of the Roman Eagle. We can safely believe that Writer as to this Matter, that he might take offence at the Senate and People of Rome for their being averse to his Religion, and that this was a Motive to his Resolution of chusing out some other Place wherein to fix his Imperial Seat. But this might not be the only Inducement. Another urgent Reason may be fetch'd from the present State and Condition of the Empire. The great Dangers that now threaten'd it, were the Inroads made by the Barbarous Nations inhabiting toward the North-Eastern parts of Europe, towards Macedonia and Thrace. Hence it was, that those dreadful, those ravenous Swarms of Locusts took their flight, which at length over-power'd the Eagle, spoiled him of some of his best Western Plumes, and nested themselves in his very Throne. The Provinces lying about Italy and Rome, were at present in Repose, and what Mischiefs hapned afterwards came most out of the Quarters but now mentioned. This made the Prince his Presence very necessary in the North-Eastern Parts, it not being safe, either for the Empire or himself, constantly to Manage Wars at a great distance by Lieutenants, who having got the Command of Armies, commonly usurp'd. *Constantine* seems to have born greatest respect to *Nicomedia*, whither often he repair'd, and there drew his very last breath. But though being a City of *Bithynia*, which lies over against *Thrace*, it was not far distant from those Quarters; yet being situate in Asia, and over the Sea, a more convenient Place there might be found, the danger lying chiefly on this side the Water. Therefore having refused *Nicomedia*, for the same reason he might reject the Place which *Zosimus* tells us he first pitch'd upon, betwixt *Troas* and old *Ilium*, though already part of the Wall was built, which was still to be seen in this Writer's days by those that fail'd toward the *Hellepont*. *Sozomen* also writes, that in his time the Gates were to be seen on an Hill not far from the *Hellepont*, and a little above the Tomb of *Ajax*, where the *Greeks* were reported to have had their Camp at the Siege of *Troy*. This might have been one reason for fixing his Seat in *Thrace*. To which may be added, (which is also thought) that the Eastern Provinces of Asia being far more distant from Rome, and lyable to the frequent Incursions of the *Persians* and others, it was the more requisite, that for their Supply and Safeguard the Emperour should have his Residence nearer hand; and, in respect of the Western and the Eastern Borders, toward the middle of the Empire.

At what Place.

11. *Sozomen* tells us, that while he was about building in the Place near to *Ilium*, God appeared to him by night, and Commanding him to seek out some other Seat, put him in mind of *Byzantium*, to fill it with Inhabitants, and call it by his own Name. *Zonaras* writes, that he first had thoughts to build in *Serdica*, then in *Sigeyra*, a Promontory of *Troas*, where he was reported to have laid the Foundation, and after that began a Work at *Chalcedon*; but Eagles were said to have taken up the Ropes or Lines used by the Workmen, and carried them over the Straights to *Byzantium*; which being often done, he concluding it was not without a Providence, went thither, viewed, and approved of the Place. *Byzantium* was formerly a very eminent City, of great Strength, very well Inhabited, and rendered famous by many Hostile Actions, related by us in the first Tome of this Work. But nothing more Memorable hapned concerning it, than that siding with *Niger*, it sustain'd a Siege from the Emperour *Severus* for three years together, who Disfranchiz'd it, as *Vespasian* formerly had done, made it subject to *Heracles*, and pull'd down the Walls; but after, He, or his Son being reconcil'd, not only restored it to its former Privileges, but by Magnificent Works greatly Adorn'd it, and call'd it by the Name of *Antonina* (after the Son) which Name it retained no longer than that Family held the Sovereignty, but received its former of *Byzantium*. When *Gallienus* was Emperour, it ran a more dangerous Risque than ever, being made so desolate by his Army, that scarcely any of the Antient Inhabitants remained; yet by the same Emperours Law it revived, and Siding with *Licinius* in the late Civil War, was grown to such Strength, that it could not be Conquered, till after his Overthrow it yielded of its own accord. It was very large, as *Zosimus* describes it, and fenced with seven Towers, besides most strong Walls; but above all things, for its Situation to be commended: for it stood upon an *Isthmus*, or neck of Land, formed by that they call'd *Ceras* or the *Horn*, and the

The State of  
Byzantium.

Tom. 3. is Call'd  
Thracia Mag.  
no.

Vide Excerpta  
Dionis in Sive;  
re & Zonar.

Sect. 1. the *Propontis*, a Place so Convenient, as well as Pleasant, that without leave from it obtain'd, none could well pass into Europe, or Asia, it being as it were the Bridge and the Haven of the two Worlds.

12. *Constantine*, satisfied in his Choice, for these Reasons, gave order for the New Work, to enlarge and make of it a New City, the Foundations whereof were laid on the twenty sixth of November, in the Consulship of *Jannarius* and *Justus*, in the year of our Lord Cccxxviii; and in the Consulship of *Gallicanus* and *Symmachus*, on the eleventh of May, in the third Indiction, A. D. Cccxxx, being the twenty fifth year of his Reign, it was Dedicated, and call'd by the Name of New Rome, and after him, *Constantinople*. And that it might not bear the empty Name of Rome, he provided both by the Number and Lustre of the Buildings, and by Imperial Privileges Conferred upon it. As for the former, *Zosimus* gives us this Account; "That in the Place where formerly was the Gate of the old City, he Erected a Forum of a round Figure, which he inclos'd with large Porticos; or Galleries and rais'd two mighty Arches each over against the other of Proconnesse an Marble, through which a Passage lay into the Porticus of *Severus*, and out of the old Town: and to make the Place far larger than it was before, he drew a Wall fifteen furlongs beyond the former, which took in the whole *Isthmus* from Sea to Sea. Having thus enlarg'd it he built a Palace not much inferior to that at Rome, as also a Cirque with all Elegancy imaginable, part of which he made of the Temple of *Castor* and *Pollux*, and he reckons up other Places wherein he caused to be set the Statues of the Heathen Gods (which the Author of his Life tells us, was out of Derision) and he adds that he built Houses for certain Senators which followed him from Rome. To speak more Compendiously, and yet more to the Purpose than *Zosimus*, he divid'd his new City into fourteen Regions, he built a Capitol, fix'd a golden *Mithraium* or a Mark in the middle, whence all Miles were to be measured and counted. He made a Circus Maximus, an Amphitheatre, several Forums, Porticos; and other publick Works, and adorned the City with so many Columns, Pyramids, and things of Rarity and Antiquity, that indeed as St. Hierome observed as well as others, he spoiled all other Places, especially Rome, of their Ornaments to ennoble this; besides the many Churches, which upon a Religious account he caus'd to be built, which added much to the Lustre of the City. Above other Curiosities a Column of *Porphyry* he brought from Rome is most valued, which he caus'd to be erected in the Forum, with an admirable Statue of Brass upon it; that of *Apollo* was reported, and first fetch'd from *Ilium*; but he Commanded his own Name to be put upon it, and it stood in that posture till the days of *Alexius Comnenus*, in whose Reign it was blown down, and Killed many Persons that were under it. Hither he is also reported to have brought the *Palladium* from *Troy*, and many other Rarities which the Reader, if he please, may find in the Book which *Codinus* hath written concerning the Originals of *Constantinople*. In conclusion as to this Point *Zosimus* further tells us, "That He so happily enlarg'd it, even to the extent of the greatest City, that the succeeding Princes here fix'd their Abode, and hither drew a greater multitude of Men than was necessary, which flock'd to it, either as Soldiers, or Merchants, or for some other Course of Employment. In so much that they enlarg'd its Bounds, and compass'd it with far larger Walls than *Constantine* had done before them, and suffer'd the Buildings to be so many and so thick, that the Inhabitants whether in or out of doores were straiten'd by reason of the vast number of Men, and other Animals were perpetually in danger, and no small Portion of the adjoining Sea became join'd to the Land by Buildings rais'd upon Piles, which of themselves were sufficient to make up a large City.

Whether at  
first it was Ad-  
orned with  
all the Pri-  
vileges of old  
Rome.

13. Thus might this City be call'd New Rome in reference to the Buildings and Ornaments, wherein it fully resembled the old; but these were but as the Carcass, which without great Privileges and Encouragements could not long subsist. Power and Authority, Sovereignty and Dominion must give Imperial Life unto it. As to this a very Learned Man observes; that at its very Dedication it was made partaker of Empire, and Associate with the other; yet is perfwaded that at the first it was not adorned with all the Privileges of old Rome, because by a Constitution of *Valens* (not *Valentinian* and *Valens*, as he and others mistake) long after, the Jus de Jure Italianum or Privilege of Italy was restored to it: Now if it had been before this possessed of all Imperial Authority; what could this Jus Italianum have signified? what needed it a Pittance of Immunity which was already seized of all Rights of Majesty? Therefore he would fetch the Rise of its Grandeur from a Law of *Theodosius* the First, confirm'd afterward by *Honorius* and *Theodosius* the Second. Yet is there

Vide Jacob.  
Gothofred. Chron.  
sicur. histori-  
con in L. l. c.  
de. 328. §.  
330.

Lib. 3. c. 32.

Barthol. 77.  
Hieron. Diar.  
lib. 1.

Just. de Jure Italia-  
licum. Consti-  
tutio Const. Theod.  
lib. 4. Tit. 15.



## Sect. 1.

Take care for  
Architects.

ny Architects, he orders him to draw those in his Provinces of *Africk*: to undertake that Study, who were about eighteen years of Age, and had some taste of the Liberal Arts; for the Encouragement of whom, he grants Immunity from ordinary Burthens and Employments, both to them and their Parents, and affirms, he had appointed competent Salaries to such as should instruct them.

And increases  
the Privileges  
of the *Navicularii*.

17. One great Advantage this City received by its Situation; that as by Land it stood very well for Provisions, so by Sea might be imported whatever the World could afford, both for Pleasure and Convenience. Now all things of this Nature being conveyed by the *Navicularii*, who (as we said) were a Corporation: By one Edict he redressed such Disorders among them as were observed to hinder the vigorous Prosecution of their Work, the greatest Burthen often lying upon those who were the least able to bear it, and others avoiding their Proportions, how equal soever. This was published at *Carthage* on the seventh of September; and at the beginning of December following, we find another Constitution directed to the *Navicularii* of the *East*, wherein he tells them, "That for the Commodity of this City, to which by God's Command he had given an Everlasting Name, he thought 'fit to bestow upon them the following Privileges: As that all *Navicularii* should be free from Civil Burthens, Offices and Services: That they should not be bound to undertake any Honourable Employment in Cities to their Detriment, nor be Compelled to be Tutors or Guardians. That they should not be bound by the Laws *Julia* and *Papia*, which allowed to Husbands and Wives but ten parts in certain Cases, though left them by the Testaments of their Wives or Husbands; so that they might leave their whole Estates to one another, as they desired; nor by the Rescript of the Prince himself, be forced to appear before any extraordinary Judges; but in Contests about Inheritances, or any other Civil Matter be convened in that Court, in the Jurisdiction of which they then abode. That as the Custom was to the Fleet of *Alexandria*, four Quarts in a hundred should be allowed them toward the repairing the loss or waste which must necessarily be made in the Transportation of Corn: and that for every thousand Measures, they should receive for Freight one *Solidus*; that so by these Immunities and Rewards, being encouraged, and scarcely being at any Expence themselves, they might lawfully go about their business. By this Constitution he established a new Body or Society of *Navicularii*, for the Benefit and Advantage of *Constantinople*, in the *East*; and gives them as great Privileges, nay in some respects greater than what belonged to those of *Africk* and *Alexandria*, who being formerly allotted to the Service of *Rome* only, now were so divided by him, that (regularly) the Fleet of *Africk* was left to its former Service; but that of *Alexandria* appointed to the Supply of *Constantinople*. But thus much concerning the Building and Peopling of this City from most Authentic Writings, not to mention other idle Reports: and we shall dismiss the History of its Founding with this little Account further; that *Valens* a great Astronomer of that Time, casting as it were its Nativity, upon Consideration of the Scheme, gave out, that its Empire would continue six hundred ninety six years. Had he said one thousand one hundred twenty two, some observe he had guessed nearer to Truth. And yet though its present Condition as to Religion may seem to have abolished the Foundation and Name (it being at first Designed and Dedicated in a manner to Christianity) yet having set up upon a new, though Apostate Account, it seems yet after two hundred and twenty more very vigorous, and so vivacious, that whoever (of what Religion or Nation soever) shall be Lord of those *European* and *Asian* Provinces, it promises to it itself, from its Situation, a Fortune little Inferiour to what formerly it did, and at present doth enjoy. So that howsoever *Valens* Calculated, it was Founded under a wonderful Lucky Planet.

Valens his  
Propagandism  
of the Du-  
ration of *Con-  
stantinople*.

Constantine  
publisheth an  
Edict con-  
cerning Judi-  
cature.

18. *Constantine* after the Founding of his new City, either out of Fondness to it (as Parents are wont to be indulgent to their Young and Tender Offsprings) or to encourage and further the Buildings by his Presence, was much there, as appears by the Dates of his Edicts, and now, as habituated to be kind to all his Subjects, from the frequent Acts of Indulgence to his new Citizens, in the year following, in the Dedication he publisheth a large Edict to all the Provincials throughout the *East*, bearing Date from this City, concerning the Order and Inviolability of Judicature, against the Corruption of Judges and Inferiour Officers, and the Knowledge of Private Persons in Possession; of which there are six parts at least, as now they are divided in our Law-Books. For these two or three years he had been intangled from Wars, and so more at leisure to prosecute his other Designs; but now the next that follows, we find him Engaged by the *Sarmatians*, in War with the

A. D.

330.

Archidia

quaritur

quaritur

quaritur

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## Chap. I.

## Sect. 1.

Constantine his  
Son over-  
throws the  
Sarmate.

His Edicts in  
reference to  
that War.

Sarmata beaten  
out by their  
Slaves.

received into  
the Empire.

Constantine his  
Law concern-  
ing Testa-  
ments of Sol-  
diers.

the *Goths*, which was managed by *Constantine Caesar* his Son, who obtained a Victory over them in the Territories of the *Sarmate*, on the twentieth of April in the Consulship of *Pacatianus* and *Hilarianus* A. D. cccxxxi. Though the Son had the Honour to have the name of General, and the Repute of a Conqueror; yet we find that the Father was not far off: for by the Date of another Edict this Month, it appears he was at *Martianopolis*, a City of *Myfia* in the Confines of the *Goths* and *Sarmatians*. And whether he had respect therein to this Expedition, in that Edict he gives Encouragement to Soldiers. For whereas Formerly a Woman that was Contracted, was not compelled by the Laws to stay any time for the Man, but might again refuse him, though present, much left bound to expect one that was absent and at a distance: "By that new Law he excepts a Soldier, though a Volunteer in the Service, his absence being for the publick Concern, or Ordinance, that a Woman Contracted to such an one shall stay two years for him; condemning him to an Island that should contract or marry her to another within that time; but in Case he returned not within two years, which time was thought sufficient for one Expedition, he might freely Marry to another. That this Law had respect to this Expedition against the *Goths* by way of Encouragement, we may be induced to believe from another, which this same Month of April he made in way of Punishment and Compulsion for the same Service. The *Veterani* or old Soldiers had so great Privileges by the Laws, that it was thought but reasonable, that when there hapned any urgent occasions, their Sons should be compelled to serve in the Armies; but many of them were so backward, especially in *Italy* (where since the time that *Augustus* began to spare the *Italians*, they had applied themselves much to Husbandry, and been averse to War) that to make themselves incapable, they would cut off their Thumbs, and Parents were wont to make their Children unfit to bear Arms. *Constantine* had formerly, when he had War with the *Sarmate*, Published several Edicts for restraining of this Humour, and forcing them into the Field; and having the same occasion, he now commands "That such of them as entered at sixteen years of Age, and are not fit for Military Service, be condemned to Offices and Services in the Towns and Cities, thereby cutting off the Privileges, which else they enjoyed. And succeeding Princes punished them with greater Severity, as we shall see in due time and place. But as for this War, it was finished with that Success by *Constantine* the Son, that about one hundred thousand of the *Goths* perished by Hunger and Cold, besides those that fell by the Sword, and they were constrained to give up Hostages, amongst whom the Son of *Ararich* their King.

19. Thus were the *Sarmate* delivered from the Inroads and Oppression of the *Goths*, but within two years were more roughly handled by their own Servants called *Limigantes* (and afterwards *Aracarantes*) by whom they were beaten out of their own Country. They have been forced to Arm them against the *Goths*, and these Slaves thereby coming to know their strength, would not own any more Subjection, but turned their Arms against those for the defence of whom they had taken them up; who thus outed of their Dwelling, betook themselves to the Emperor, and by his order were bestowed through *Thrace*, *Scythia*, *Macedonia* and *Italy*, to the number of three hundred thousand of both Sexes, all Ages and Conditions; but such as were fit for Service, he took into his Armies. By the Subscriptions of the Edicts of the year, wherein *Optatus* and *Paulinus* were Consuls, it appears that he was in *Myfia* and *Dacia* in the Months of July and August; probably to take order in this Affair. One bears Date of the seventh of July, and on the thirteenth of August following we find another Famous Law Dated from *Nicomedia*, concerning the Testaments of Soldiers in Expedition, or in present Service, by which they are discharged from the Obligation of such Solemnities as the Law makes necessary in the Wills of other Persons; and theirs made good, if but written on the Scabbard of their Swords or their Targets with their Blood, or with their Swords in the Dust: such time as they died in Battle, now this bearing Date on the Ides or thirteenth of August: The next that follows, is that made at *Naisus* in *Dacia*, and bears Date but eighteen days after; so that *Constantine* must have posted up and down in the space of two Months and less from *Singidunum* in *Myfia*, back to *Nicomedia*, and from *Nicomedia* to the Borders of *Naisus*; which is agreeable enough to his Practice, and to the pains he took, but the time was so short, that with our learned Lawyer, we may be content to cast back the Edict concerning the Testaments of Soldiers, nine years to the year cccxv, and acknowledge it here to have been misplaced.

A. D.

332.

Pacatianus

Hilarianus

Pacatianus

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Sect. 1.

He makes  
Constantine, his  
Son, Caesar.

His Felicity.

He dies.

20. By the Edicts of the following year, it appears, that for some time he resided in *Myſia*, but was paſſing to and fro, and for the moſt part was at *Conſtantinople*; and now being arrived at the thirtieth of his Reign, here he Celebrated it with great Magnificence. About this time (ſome ſay this very year, though others place it two years backward) he conferred the Dignity of *Cæſar* upon *Conſtantine*, his third Son, and (as *Zoſimus* writes, *Dalmatius* the Son of his Brother *Dalmatius*, being the ſame Title, together with *Conſtantine* his Brother, adorned with Purple, in ſome ſort alſo made Partakers of that Imperial Dignity, adorned with Purple, and other Robes ſet off with Gold, and ſtyled *Nobiliffime*, becauſe they were of his Kindred. The thirtieth of his Reign being over, the Author of his Life farther tells us, that having long before Married his Eldeſt Son, he procured a Wife for *Conſtantine* his Second, and ſolemnized the Marriage with all Splendor imaginable, feaſting the Men and Women apart by themſelves, and in honour hereof, beſtowing Gifts upon all Nations and Cities. Much about the ſame time Ambaſſadors came to him out of *India*, bringing Prefents of great Value, and greater Rarity, not only Gemmes, but certain Animals, unknown before to the Weſtern parts of the World: and he adds that this they did to ſignify, that his Empire and Dominion extended as far as the utmoſt Shore of the Ocean; and obſerves, that as at his firſt Promotion, the *Brians* in the moſt Weſtern Parts of the World, firſt ſubmitted to him; ſo now at the laſt the *Indians* in the moſt Eaſtern acknowledged his Sovereign Authority. Having receiv'd this Acknowledgment, he divided his Empire amongst his three Sons, allying to *Conſtantine*, his Eldeſt, the Grand-father's ſhare, the Eaſt to *Conſtantine*, and that Part lying betwixt them unto *Conſtans*; but above all things deſirous that they might be fitted for Government, he appointed them Tutors and Inſtrudors, the beſt that could be had, to teach them the Arts of Peace and War, the Liberal Sciences, and eſpecially to ground them well in their Religion. Thus the Author of his Life in his Panegyric way, who muſt not be underſtood as if *Conſtantine* reſigned the Empire to his Sons and put off his Cloaths before he went to bed; but about this time, when he promoted his youngſt Son and Kindred, we find that the Empire was Govern'd in this manner: *Conſtantine*, the Eldeſt Commanded in *Gall*, and ſome Weſtern Provinces; *Conſtans*, when a Boy (as *Julian* teſtifies) had had the Name of Commander in *Gall*, but now Govern'd *Aſſyria* and *Illyricum*, and *Italy* was ruled by *Conſtans*; *Dalmatius* was appointed to defend thoſe Parts that bordered upon the *Goths*, and, as ſome ſay, *Meſopotamia*; and *Anniballianus* had Charge of *Cappadocia* and *Armenia* the leſſer.

21. This Diviſion as we ſaid, was not made by *Conſtantine* in order to the deſerving himſelf of his Sovereignty; but to the better Government of the Empire, and the Breeding of his Sons; yet this ſeemed a Preparatory or Ominous to what within little more than a year enſued. He was now above ſixty Years old, a great Age for Princes as uſually it happens. All this while he had continued in perfect Health and Vigour, ſo as to endure Exerciſe, Riding and Travel. His Underſtanding he had perfect, ſo as ſtill he would compoſe Prayers and Orations, Conſerve and Diſcourſe with his Friends, and aſſiſt with much Dexterity at the Framing of his Laws and Edicts, both relating to matters Civil and Military. Not long before his Death, he made a Funeral Oration in the Place where he was wont to ſpeak, and therein diſcourſed of the Immortality of the Soul, of the Rewards in the future Life, which attend thoſe that live well here, and the Punishments appointed for wicked Perſons. By this and other Courſes he took, he endeavoured to prepare himſelf for another World, and make his Paſſage into it more eaſie and quiet; but his Meditations were interrupted by News from the Eaſt, where the *Perſians* made Diſturbance; which when he received, intending (as he ſaid) to make this his laſt Victory, he raiſed an Army with all Expedition: of this the *Romans* having Notice, and fearing to be engaged in a War with him, ſent their Ambaſſadors, who upon their humble deſire of his Friendſhip, and promiſe to give Satisfaction required, obtained Peace. *Conſtantine*, about this time, entering into another Journey; for now he began to be diſtemper'd, which when he ſaw, and that his Diſeaſe increaſed, he made uſe of the warm Baths of the City, and afterwards went to *Helenopolis* (a City built by him in Memory of his Mother) to perform his Devotions in the Martyrs Church. Hence he removed to *Nicomedia*, and there in the Suburbs thereof call'd *Achyrona*, having received Baptiſm, departed this Life on the two and twentieth Day of May, being *Whitſunday*; as ſome affirm, in the ſixty ſecond Year of his Age, and the thirty ſecond of his Reign, (though others write ſomewhat variously, as to the punctual time) the firſt year

A. D.

337.

21. *Conſtantine* dat.  
22. *Conſtantine* pr.  
23. *Conſtantine* pr.  
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40. *Conſtantine* pr.

Orat. 1.

Circus alexand.

41. *Conſtantine* pr.  
42. *Conſtantine* pr.  
43. *Conſtantine* pr.  
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60. *Conſtantine* pr.

Circus alexand.

Circus alexand.

Circus alexand.

Circus alexand.

Circus alexand.

Circus alexand.

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Circus alexand.

Circus alexand.

Circus alexand.

Sect. 1.

His Character  
by Eutropius.

By Vitor.

of the two hundred twenty ninth Olympiad, the thouſand and nineteenth year of *Rome*, A. D. CCCXXXIX. *T. Fabius, Titianus, Maximinus, and Felicianus* being Conſuls, ſome reported that he was payn'd by his Brothers and Nephew; but he that firſt reported it deſerves no Credit, and they that received it from him were too remote from the time of his Death, to gain any better Reputation as to this matter. None of the Antients, be they Chriſtians or Heathens, making mention of any ſuch thing. But of the latter ſort, what Practices ſoever were made againſt his Body ſome are conceiv'd to have offered great Violence to his Memory; which Wound, moſt of the former ſort endeavour to bind up and heal, yet ſome gladly would keep it open, and make it bleed afreſh, and that out of kindneſs to the other Party, however they veil themſelves under the Chriſtian Name. Here, for very weighty reaſons, it highly concerns us, the Reader, and the Truth to interpoſe, but with a cautious and wary hand; if Incurable, ſuch we ſhall confeſs and leave it; but if it may be healed up, though not without ſome Cicatrice or Fear remaining, no good-natured Men will blame us for endeavouring to cauſe others to think and ſpeak well of the Dead.

And, in order to an indifferent Procedure, we ſhall (without mincing the matter) produce thoſe Characters which are given him by Writers that are eſteemed to have born him no good Will, and which indeed ſpeak the worſt of him: nay, we ſhall take it for granted, that ſuch Chriſtians as ſpeak largely in his Commendation, ſpeak out of Affection; and not producing their Denial againſt the Affirmation of the other (though there be as much Reaſon to believe Affection, as Malice and Hatred) Condemn him in all things his Adverſaries alledge, without all benefit of Compurgators, except Reaſon and unqueſtionable Records, ſuch as cannot be judged partial, do acquit him. Firſt then *Eutropius*, a Writer of the Pagan Perſwaſion, lays this to his Charge. "That by Proſperity being ſomething altered from his goodneſs of Diſpoſition, he firſt began to perſecute his own Relations, as his Siſters Son, an excellent Young Man, of great hope, his Wife and many many of his Friends: for this Character he gives him, that at firſt he was a man to be compared with the beſt; and toward his latter end with the Indifferent or Middle ſort of Princes. Innumerable Excellencies, he ſaith, both of Body and Mind were eminent in him. He was moſt deſirous of Military Glory, Fortunate in War, yet ſo as his Fortune did not exceed his Induſtry; for after the Civil Broils, he ſeveral times Deſeated the *Goths*, and at length granted them Peace, and gave the Barbarous Nations occaſion to have a deep Senſe and Memory of his Grace and Clemency. He was given to Civil Arts and Liberal Studies, was an Affector of Juſtice, and the love of his People, which he altogether endeavour'd to procure by *Liberalty* and *Courteſie*. As toward ſome of his Friends he was *uncertain*, yet extraordinarily kind, whom to enrich ſtill and advance, he would omit no occaſion. Many Laws he made, ſome Good and Equitable, more Superfluous, and ſome ſevere. And firſt of all others, adventured to advance a City of his own Name to that height, as to make it emulous to *Rome* it ſelf. Going about to make War upon the *Perſians*, who now haraſſed *Meſopotamia*, in the one and thirtieth year of his Reign, and the ſixty ſixth of his Age, he died in the publick Suburbs at *Nicomedia*. His Death was foretold by a blazing Star of an unuſual Bignefs, which the *Greeks* call a *Comet*, and he deſerved to be reckon'd amongst the *Divi*. So much *Eutropius*, as near as we can Tranſlate him, who lived when the *Latin* Tongue was much altered.

23. The next we ſhall produce, is *Aurelius Viſtor*, one as little addicted to him, as the former. He having given us an account of his War and Dealing with *Licinius*, adds, "That having by admirable ſucceſs obtained the Monarchy of the *Roman* Empire; at the ſuggeſtion of his Wife *Fauſta*, as was thought, he cauſed "his *Criſpin* to be put to death: afterward he procured his ſaid Wife to be ſtifled in a Bath; being reproved by *Helena* his Mother, which took moſt heavily at the death of her Grand-ſon. Then for his Character, he tells us, that he was greedy of Profit or Fame above Imagination, and yet he ſaith, he was wont to call *Erjan* *Herba parietaria*, for having his name upon ſo many Walls in *Rome*, he built a Bridge over the *Danube*: his Royal Apparell he adorned with Gems, and always wore a Diadem; yet was he moſt profitable to the State in ſeveral reſpects: By moſt ſevere Laws, he reſtreſſed Calumnies; He cheriſhed Good Arts, and eſpecially the Studies of Learning; He himſelf was given to read, to write, to meditate; was wont to give Audience to Ambaſſadors, and hear the Complaints of the Provinces. Having made *Cæſar* his own Son, together with *Dalmatius*, his Brothers Sons, having lived ſixty and three years, and thereof Reigned half

A. D.

337.

21. *Conſtantine* pr.  
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Sec. 1. (So as thirteen by himself) He died of Sickness. A *Gibber* rather than fair-spoken; <sup>A. D.</sup> whereupon by a common Proverb he was said for ten years to have been a most excellent Prince, for the twelve following a Robber, and for the ten last a Pupil, or Child by reason of his Immoderate Expenses. His body was buried in *Byzantium*, call'd *Constantinople*. These two give some Blows to the Memory of *Constantine*, and upon account of their Religion cannot but be esteemed Adversaries to him, and of the other Party; but these are but Velites, their slight Weapons, weak or blunt; or if they wound they seem to carry a Balm along with them, for they Praise more than Dispraise him; but he that follows lays on Stroaks indeed, and that with invulnerable Steel. His Pen makes him so black and ugly, that scarcely any of those fair Lines can appear, which they both defend and own in him. And yet what hath been already said, the Reader may easily guess, that it is *Zosimus*, some part of whose Accusation we have had already occasion to mention; and now shall be faithful in producing what remains.

By Zosimus.

24. Scarcely is there any thing he ever did, or said, but this Writer if he can, makes an ill Construction of it. Having first raised what Prejudice he may concerning his Birth; his Endeavours after Prefecture he ascribes to the heat of his Ambition. In the Quarrel betwixt him and *Licinius*, he will have him the Aggressor, as being accustomed to break his Word; yet all this while he makes him to have conceal'd the Naughtiness of his Disposition. But *Licinius* being removed out of the Way, and all the Power being left in his own hands, he tells us he no longer dissimled, but acted according to his Lust and Pleasure. Then he gives us the Narration of the Death of *Crispus*, and how he began his Impiety at his own House; his changing his Religion thereupon, and his founding of his new City, upon the Quarrel betwixt him and his Subjects of *Rome*. After this he tells us how he was beaten by the *Syphians*, and giving up himself to a voluptuous Life, ordain'd the Allowance of Corn to the Inhabitants of *Constantinople*, and profusely spent the publick Revenue in useless Structures. But these are more general, and speak him a Bad Man: now follows more particularly what declares him a Fool, an ill Statesman, and a Tyrant altogether. He also (saith he) made a disturbance in the Offices of Magistracy formerly instituted. For whereas there were before two *Præfetti*, *Prætor*, who ordinarily executed that Charge; not only those that served in the Court were under their Command; but also such Souldiers as kept the City, and all they that lay upon the Borders, the *Præfetti Prætorio*, who was Esteemed the Second after the Emperour himself in Dignity, had the Charge of Provisions for the Army, and Power to punish such as offended against the Discipline thereof: but *Constantine* altering such things as had been well settled, divided this one Magistracy into four; for to the one of them he assigned all *Egypt* with *Pentapolis* in *Libya*; the East as far as *Mesopotamia*, besides *Cilicia*, *Cappadocia*, *Armenia*, and all the Maritime Tract from *Pamphilia* as far as *Trapezond*, and the Castles situate upon *Phasias*; and moreover *Thrace* and *Myfia* (bounded by the Borders of *Alcom*, *Rhodia*, and *Toperus*) besides *Cyprus* and the Islands *Cyclades*, *Lemnos*, *Imbros*, and *Samos*, excepted. To the second he Assigned *Macedonia*, *Thessaly*, *Crete*, *Greece*, with the adjacent Islands *Epirus*, *Illyrium*, the *Dacians*, *Tribalis*, and *Pannonians*, as far as *Valeria*, with the upper *Myfia*. To the third all *Italy* and *Sicily*, with the adjacent Islands; as also *Sardinia*, *Corfica* and *Africa* from the *Syrtis*, as far as *Cyrene*. And to the fourth the *Celte* or *Galls* beyond the *Alpes*, with *Spain* and the *British* Island.

25. By this means having thus divided their Office, by other ways, he also studiously endeavour'd to destroy their Power; for whereas in all places, not only Centurions and Tribunes, but also those they call'd *Duces*, who served in the place of Generals, had Command of Souldiers; he by instituting *Magistri Militum*, whereof one commanded the Horse, and the other the Foot, with Power to order and punish them, much more infringed the Power of the *Præfetti Prætorio*. That this, both in time of Peace and War did endanger the State, he assures us. He will make appear: For the *Præfetti Prætorio* in all Countries collecting the publick Revenue by their Officers, and paying the Souldiers had all Military might at their Devotion, who considered it was they, that both paid them their Wages, and had Power to punish them, if there was occasion. But now there being one that pay'd them, and another that punishes them, they do what they list, although one might also allege, that the greatest part of their Provisions are devoured by the Captain and his Officers. *Constantine* did another thing, which made free Passage for the Barbarous Nations into the *Roman* Provinces: for all the Borders of the Empire being by the good Forecait of *Dioclesian* fortified with

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Sec. 1. Garisons and Castles, and therein the Militia lying, the Barbarians were thereby barred of all Access. This Security *Constantine* abolished by removing the greatest part of the Souldiers from the Borders, and placing them in Towns where there was no need of them; whereby he deprived them of their Defence, which were lyable to the Inroads of the Barbarians, and plagued those Places with Souldiers, which were in Repose; and by this means many of them were utterly depopulated, besides the enervating of the Souldiers by the Pleasures of the Theatre, and other voluptuous Courses; and to speak simply, he laid the Foundation of those Mischies, which to this time have followed. Then after an Account given of the greatness of *Constantinople*, he subjoyns, that all this being done he ceased not to burthen the publick Revenue with Penfions, which were not assigned according to Reason, but to persons unworthy and unserviceable. To such as paid Tribute he was burthenous; but enriched such as were utterly useless; for, Profuseness he esteemed Munificence. He laid a Tax of Gold and Silver upon all that exercised any Trade in all Countries, even the very meanest, so that Strumpets were not excused from it. Hence came it to pass, that upon the Approach of every fourth year, when this was to be paid, there was nothing but weeping and Lamentation throughout the City; and when it came, great were the Tortures which those Miserable Creatures endured on their Bodies, the Purges of whom could not reach to the Imposition; so that Mothers fold their Children, and Fathers prostituted their Daughters to make up the Payment of this Tax, which they call'd *Chrysargyrum*. He devised also another Course to Torment those that had considerable Estates; for such he would call to the Dignity of the Prætorship, and under pretence of this Honour, make them pay a great sum of Money. So that when the Officers came to see this executed in the Cities, all would run away into Foreign parts, as unwilling to purchase Honour at so dear Rates. All the Estates of those of greatest Quality he kept Recorded, and imposed a Tribute upon them, call'd *Follis*; by which Impositions he exhausted the Cities; and the payment of them being exacted long after his death, very many of them were rendered Desolate without Inhabitants. That *Constantine* having all these ways endamaged the Common-wealth, at length died of Sickness. And time it was.

An Answer to Zosimus his Calumnies.

26. Now, for Justice her sake, let us Pause a little; and to Consider of these grand Accusations, it will be convenient to Reflect upon the Condition and Qualifications of Accusers or Witnesses, and their Testimonies, so as to discover their Knowledge and Faithfulness, without which their Witnessings signifie nothing, but rather make for the Party accused. There are some Witnesses then that are called Certain, and others Uncertain. The certain Witness is he that was present, or saw the thing done; the uncertain, is he that only had it upon Hearsay; and as to this matter *Plautus* says well, that one of the former is worth ten of the latter sort. There are also indifferent Witnesses, and Witnesses Partial; either upon the account of Favour, or Enmity, or Malice. Partiality requires Abatement on both sides; but as all Laws have ever been more favourable to Charity than the contrary Extream, the Enemy-Witness is in equal disesteem with him that speaks for Gain, that's bribed to give a Testimony, is rejected as well as he; and for this Reason it is, that we know accused Persons to have the Privilege, in our own Country, to except against a considerable number of Persons of those that are Judges of Fact; and in the Power of whom it is, to accept or reject the Testimonies of such as shall but witness against them. We further know it to be the Duty of a Witness, and constantly given him in Charge, to speak the Whole Truth, as well as nothing but the Truth; especially it's beehowful, when the Reputation and Fame of a Person is call'd in Question. As the Commendation of a Friend, or the Accusation of an Enemy is not to be regarded much; so if they speak quite contrary, they are of Weight and Moment; of all others, that being the fairest Testimonial, which is known or professed Enemy makes. In the next place, if two Adversaries joyn in the Commendation; a third, who alone gives an ill Character of the same Person, must needs be esteemed partial, and if he make him Guilty of what they acquit him, he is in no case to be credited as to the rest; nay this would hold (it being a consilium Atrocitatis) though there were double scriptum, Testimonium sit, non Testimonium creditum. In conclusion, a Witness that is convicted of Forgery or Contumely, is infamous, and barred of all Credit: for Witnesses, not Witnesses, are to be believed.

27. Now all these Rules, if to Witnesses in private Causes and Accusations, much more are Applicable to Historians; for History is by *Cicero* termed, the Wit-

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Tullius Centus, incertus, vide Calpurnius Licinius. Plautus quod Testis scilicet verus, quod avaritiam detestatur. Tullius Libanus Patet Plautus, aut Filius Patris non est. L. 1. de Testibus lib. 22. Tit. 5. de vide l. 3. Cod. Tit. Testimonium quod ad Testis pertinet. Tertio debet inson is call'd in Question. As the Commendation of a Friend, or the Accusation of an Enemy is not to be regarded much; so if they speak quite contrary, they are of Weight and Moment; of all others, that being the fairest Testimonial, which is known or professed Enemy makes. In the next place, if two Adversaries joyn in the Commendation; a third, who alone gives an ill Character of the same Person, must needs be esteemed partial, and if he make him Guilty of what they acquit him, he is in no case to be credited as to the rest; nay this would hold (it being a consilium Atrocitatis) though there were double scriptum, Testimonium sit, non Testimonium creditum. In conclusion, a Witness that is convicted of Forgery or Contumely, is infamous, and barred of all Credit: for Witnesses, not Witnesses, are to be believed.



Sect. 1.

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Conditions re-  
quire to a  
Time.  
Testimony.

ness of Times; so that if an Historian fail, either in Knowledge, or Veracity; the injury he does extends to Posterity: not like that done by a private to a private Person in a Court of Justice, in which usually the present Age (nay seldom that) is only concern'd, and dyes with the Party injured; whereas the wound given by an Historian bleeds still, as long as History and Time will last. In other false Testimonies a few persons are prejudiced, in this all future Ages abused. Now then, to deal impartially, of these three Writers last mentioned, the two former can only pretend to the Repute of Certain Witnesses, or to what bears more Proportion to this Qualification. *Entropius* served under *Julian* in his Expedition against the *Persians*, and so might be an Eye-Witness of many of the *Ad's* and Performances of *Constantine*; could not but know, both what he practis'd, and what the general Sense and Opinion was concerning him; how much beloved, or hated: for what he was commended, and for what condemn'd, and writing at the time when all this was fresh in every mans Memory, could not for Shame contradict the Sense of the Age; especially all Fear being past, the Family of *Constantine* having already fail'd, and another possessor of the Imperial Power. *Victor*, though not altogether so ancient as he, might also live in the time of *Constantine*; but as for *Zosimus*, who was in Employment as *Comes* and *Advocate* of the Treasury under *Theodosius Junior*, he could not reach his Days, who died about or nigh an hundred years before he could write his History; and therefore he might be a *Testis auritus*, but not *Oculatus*, an Ear-Witness, but not an Eye-Witness; except at the second hand, as he might see what they had written of him, and take it upon Trust from them. As for the second thing, they were all *Pagans*, and upon that account lye, at least, under a Vehement Suspicion of Partiality: for of all Prejudices nothing like that of Religion: ill Livers indeed, or Atheistical Persons, on all sides, may be little concern'd what Opinion prevails; but those that have a Sense of things above them, and especially, if Zealous, entertain no Concernment like to this. Above all, such as conceive themselves of the old Religion, and disturbed by those they account Innovators, vehemently resent the alteration. Nothing in the World hath rais'd such Passions, and consequently procur'd such Extravagance in Speaking, Writing, and Acting, as a Religious Zeal.

28. For *Entropius* and *Victor* there is not so much to be said, but that *Zosimus* was most Zealous for the old *Ethnick* Religion, is so evident, that none can deny it; not his friend *Leuclavius*, who owes his spleen against *Constantine* hereupon, and excuses it, as against one, who, first of the Emperours, deserted the Religion of their Ancestors. This so overruled his hand, that he could put nothing but Gall into his Ink; whereas the Duty of an Historian in delivering the Character of a Person is, to speak the whole Truth, as well as it is the Charge of every private Witness. The usual fault indeed of those who write the Lives of men, is agreeable to the common Practice of Painters, who generally make mens Pictures with better Lines and Colours, far more graceful, than they are themselves; and you shall hear some say, it's no matter, though it be not so like, so it be good Works as if that could be called *Titius* his Picture which resembles *Sempronius*, and hath little, or nothing of the other's Face: but *Zosimus* hath not offended on this hand, being afraid, that the Pourtraiture of *Constantine* should be mistaken for his Cousin *Julian's*, because they were so near a Kin. We have heard and read for certain, that Religious Phancy hath been so powerful in some, as to clean the Feet of the most Eminent of their Adversaries; and as to particular Persons more lately abroad; so long ago in our own Country, to have affixed long Tails to an whole Country, which some silly People of a neighbouring State, will scarcely believe, but are appropriate to the whole Nation; and thereupon, when they reproach us, usually they call us *Steerts* or Tails. Little better Construction can be put upon *Zosimus* his Design, or any mans else who writes nothing but ill, and that to all Excess, against a Person, who it cannot be denied but had very good Qualities, and did as great things to set him off with Lustre. For whereas *Leuclavius* takes it for granted, from the Allegations of others, that he gives him Commendations, there is little or nothing of this to be found. If he can put an ill interpretation upon any thing, he puts it: but if sometimes he relates some Actions, which Malice it self cannot blemish, and which he is constrain'd to mention, no good use to his Advantage makes he of it; but leaves the thing it self to speak, or rather forces it not to speak (which he cannot do) contrary to the very Nature and Drift of it. And this is all the Right he doth him, if sometimes not to do Wrong be said to do Right to any Person. How oft doth he Insinuate concerning his breach of Faith, without any excusable occasion? And lays the War against *Licinius* upon him, without

A. D.

337.

Zosimus Reli-  
gio pascit fasti-  
dium malorum.Sent, because  
of the Murder  
of Basil.

Sect. 1.

The major and  
better number  
acquit *Constantine*  
of those  
heavy Accusations.

any Reflections against his Enemy, whom others confess to have been as bad a Man as could be. *Entropius* affirms innumerable Excellencies both of Body and Mind to have been Eminent in him. He meddles not with his Body, except implicitly, when he tells us, that he died of a Disease, and his Mind he represents far from being Sound, though it was in a sound Body. So far *Entropius* and *Victor* may seem to Countenance his Accusation concerning Ambition, that they say he was covetous of Military Glory (a *Constantinian* Vice sometimes incident to Generous Spirits) but *Entropius* further writes, he was Fortunate in War, and yet so as his Fortune did not exceed his Industry, than which nothing can be said more of a Soldier, of so Great a Conquerour. His Success and Fortune was great, all must yield, that know what things he brought to pass before he arriv'd at the Monarchy, if his Industry was as great, he must have been a most Assiduous, Vigilant, and Laborious Warriour.

29. As an Effect both of his good Fortune and his Industry (which, it seems, quitted him not after he had Triumphed over all his *Emulators*) *Entropius* instanteth, that the Civil War being over, he several times defeated the *Goths*, and obtain'd a Reputation of Clemency among the Barbarous Nations. But *Zosimus* quite contrary faith, he gave up himself to Idleness, would not Fight, was Beaten, and lost the greatest part of his Army. *Entropius* acknowledges a Good Nature, Towardness, or Inclination in him, though it was something altered by Prosperity (as we often see in the Best of Men.) This *Zosimus*, if you will have his Glo's upon it, interprets a Natural Pravity or Malignity of Disposition, which he formerly conceal'd, (but he forgets that he said before, that he betray'd his Faithfulness or breach of Trust, and Ambition) but when he arriv'd at the height of his Good Fortune, then Discover'd it; and Acted, not a little, or in some things according to his Will and Power, but (to Explain the *Aliquantulum* of *Entropius*), even in all things. *Victor* and *Entropius* both witness of him, that he was himself addicted to, and Cherish'd Learning and all Good Arts. Doth *Zosimus* but hint any such thing concerning him? *Victor* farther adds, that he was wont to Hear and Receive the Complaints of the Provinces, which Complaints, if you allow *Zosimus* an Expostulation, can be of nothing but the most Grievous and Insupportable Burthens wherewith he harass'd all his Subjects. So that when you read in *Entropius* that he affect'd Justice, and the Love of his People, and altogether endeavour'd to procure it by Liberty and Courtship, peruse but what *Zosimus* writes of him, and you will find, this was but Drollery in *Entropius*, as that also in *Victor*, when he faith, That he was most profitable to the Commonwealth in several respects, or else all is perverted, and false Printed; and as before, for *Favourable Docility*, or Good Inclination, is to be read, Malignity of Nature; so here instead of Justice, the most horrid Injustice in the World; of Liberality, Rapacity; for Courtesy, by way of Errata read Cruelty; and for most Profitable, most Pernicious or Plaguy. And then take notice of a Grand Mistake that the World hath hitherto lain under, as to Politics, and that if any Prince will endeavour to purchase the Love of his Subjects, he must do it by Injustice, Rapacity, Cruelty, and being a Plague to his Country. So it must be, if you make these Writers accord; and perhaps the particular Disposition of the Age did marvellously hit the Malignity of *Constantine's* Nature: perhaps he found his Subjects of the humour of Spaniels, that the more he beat them, the more they lov'd him.

30. To be serious, Reader, thou seest what Contradiction there is amongst these Accusers of *Constantine*; and how the major part, and that which had reason to know best, Discharge him of that Load of Calumnies heaped upon him by one Single, but Bitter Adversary, who seems to have had that Cunning, as to do it to some purpose, that something might stick. For he knew, that Serious Considerers there are very few; that the World is Governed by Prejudice and Opinion; that there's more Affection than Reason in the Judgments of most; so that the way is, by a great Exaggeration of Horrid Crimes, first to raise Passion and Indignation, and the Work is done. If Indifferency and Justice have any place with thee, thou can't not but give credit to two rather than one, and to suspect this one, as to all the rest, who by a larger Testimony is already convinced of Falshood in some particulars. But neither do we think he was free from Faults; this would be to offend well nigh as much on the other hand; and therefore from these general Reflexions, come to what is said particularly against him, in a jeering manner objected, as Bitter and take in what *Julian*, his Successor, in a jeering manner objected, as Bitter against him as the rest, upon the Account of Religion and other things. As for his putting his Son *Crispus* and others to death, we have already said, that if there

Favorabilis  
Docilitas.Προσδεύς δὲ  
τῆς χάριτος οἱ  
Ἕλληες ἔκλυον  
τὴν ἀρχήν,  
ὡς ἐν ταύτῃ  
τῇ ἀρχῇ οὐκ  
ἦσαν οὐδὲν  
κακόν· οὐδὲν  
ἐκείνους ἀδολο-  
γήσει· καὶ τὸ  
μὴ εἶναι τὴν  
ἀρχὴν ἀνὰ τὴν  
ἀρετὴν.ἐν τοῖς ἔργοις  
αὐτοῦ ἔτι  
κακοῦργος  
τὸν πολὺν χρό-  
νον ἀποδείκνυται  
ἐν ταύτῃ τῇ  
ἀρχῇ.Calumniari fere  
titer at aliquot  
barbari.

**Sec. 1.** was either a sufficient Cause, or he was abused by his Wife, Cruelty for this cannot be laid to his charge; and we might instance in Kings, that have through Mistake, and by Intigation of others, both long ago, and of late put to death their Sons, and yet have not incurred so grievous Censures of Cruelty and Unnaturalness. A Moral Man would think, that what *Vidtor* says of his greediness of Praise or Fame, above imagination, seems something inconsistent with what he subjoins concerning *Trajan*. The Humour of that Prince was not unlike to that of our Church-wardens at present in our Parish-works. There could not any Publick Building be erected, but he must have his Name set upon it, which Vanity *Constantine* taxed, both by a Jest, and his own Practice. He called him *Herba Parietaria*, or Parsley, because his Name grew, as it were, upon Walls; but as for himself, though he Erected so many sumptuous Structures, (especially Churches, & *hinc ille lacryme* to our *Zosimus* and others) yet it's observed, that seldom or never could his Name be found upon them: so that this Desire of Praise must rather, as *Entropius* explains it, be taken for Thirst after Military Glory.

31. His wearing of a Diadem, and Gems in his Cloaths canargue little more, than that he was of a Gay Humour, and lov'd to appear Neat and Splendid; which also he betrayed in his Diet and his manner of living, with which *Julian* so twists him. And yet to his Diadem and Feasting, there might be somewhat of a Religious Concernment: for probably he refused to wear the usual Laurel about his Head, as superstitiously dedicated to *Apollo*; and his Feasts were the many and great Entertainments he made for the Bishops and other Christians, especially at the Festivals appointed by the Church. This so moved the Stomach of *Julian*, that in his Tale of the *Cæsars*, because of his voluptuous Life, he feigns him to have chosen to live with the Goddess of Pleasure, and by her to have been put in womens Clothes. You must know the man was wonderfully taken with the Conceit of womens Clothes, and therefore, as his Friend *Zosimus* acquaints us, was wont to punish such Souldiers as fled from their Colours, by habiting them therewith. Now think you, that judging it a fine Device so to disgrace those that forsook the Camp, he would not think fit also, in the same manner, to make ridiculous him that had forsaken the Gods, and deserted the *Pagan* Religion? How could he possibly dispense with so witty a Conceit? And he jeers him for being curious about his Hair; in revenge, as we may judge, for being himself derided by the *Antiochians* for affecting to wear a long Beard, and that (as his Friends confess) very ridiculously. However he might be pleased to be neat and splendid, that he was no effeminate Person, both the Testimonies lately produced, and the great things achieved by him sufficiently speak: amongst which, that is not the least which *Julian* himself hints in his Tale, concerning his Recovery of a Country, which *Trajan* formerly had subdued. This was *Dacia*, which after *Trajan* had with vast Labour and many Battels laid to the Dominion of the Empire, it again thook off the Yoke, and being more troublesome and harder to Manage than before, after so many Emperours, was again reduced to Obedience by *Constantine*.

32. But we come to those Matters wherein he is said more especially to have done amiss, as a Statesman, and a Prince. These are, changing the Politie of the State, drawing the Garisons from the Borders, and the cruel Opposition of his People. *Zosimus* charges him for having made four of two *Præfetti Pretorio*, and giving much of their Power to the new Officers call'd *Magistri Militum*. As to which we must take leave to consider, whether it was He who first made the four *Præfetti*, and then whether he did amiss. Suppose he made them, and gave away their Power. First then, upon Inquiry it appears, that he made them not; but found four, and so left them: for there being then a *Tetrarchy* in the Empire, each of the Emperours and *Cæsars* in their several Districts had his *Præfetti Pretorio*, as *Gothofred* well observes, which at last (when he had subdued all his Adversaries) coming under his Dominion, he let remain still, as many as they were; but when as their Power was too great (which by reason of the Obligations, or Punishments they might put upon Souldiers brought the Armies to be at their Devotion) or for other Reasons respecting the Persons who were now employ'd, whom he might not have caus'd to trust with so great a Command, he instituted a new sort of Officers call'd *Magistri Militum*, who should Govern both Horse and Foot, but the Nature and Reason of the Employments of these and others Officers will more appear shortly, when we come to describe the whole Politie of the Empire. As little Truth is there in the other thing laid to his Charge; that he drew off the Souldiers from the Borders, and leaving them naked, thereby gave the *Barbarians* free Access into the *Roman* Territories. The Empire had several Borders or Li-

A. D.

Philip of Macedonia, his Son Dracutius, and Philip of Spain, his Son Charles.

In Cæsaribus

Mitri Delphica  
Lauri Græce  
vultus Antipom-  
muni coman-  
terat. Carmin.  
lib. 3. ed. ult.  
de Lauris de-  
nandus Apoll.  
nari. Carm.  
lib. 4. ed. 2.

Οὐκ ἔστιν οὐδὲν  
κατασκευασθέν  
ἐν τῷ αἰῶνι.

It answers to  
Particulars.

He made not  
four *Præfetti*  
*Pretorio*.

He drew not  
the Souldiers  
off from the  
Borders.

**Sec. 1.** mits, which according to the several Exigencies of Times, it behooved Princes to look to: but in the time of *Constantine*, and long after, they were especially concern'd to have a care of the *Myrian* and *Scythian* Limit, as it was called, which lay upon the River *Danubius*, through which many Incursions were made of *Sarmatians*, *Scythians*, *Goths*, and other Barbarous Nations, which at length bore down all before them. Now all manner of ways, it is most evident, that *Constantine* laboured to strengthen these Borders, and keep fast shut these doors, through which, after his Death, Ruine and Destruction entered into the Provinces.

33. For first, it is universally granted, that these People he often defeated and conquer'd; and brought *Dacia* under the Yoke, which had not been reduced since the time of *Trajan*. Then again, from the Dates of his Laws it is evident, as we have hinted before, that he was, next to his last, perpetually travelling to and fro, and moving upon these Borders. Next to this, *Vidtor* the Historian, besides others, attests, that he made a Bridge over *Danubius*; and for what end did he make it, but that his Army might have Egress and Regress, for repressing the Insolencies of these Nations; like as *Trajan* had done before him? Further, besides this Bridge, he built a Castle or Fort in the second *Mæsia* upon *Danubius* over against *Transmarisja*, for securing both the Banks of the River, and restraining the Incursions of the *Goths* (as *Procopius* informs us) which had the Name of *Daphne*, and from him the Distinction of *Constantiniana Daphne* in ancient Coins. All these Courses he took cannot but satisfy an indifferent Person what care he had of the Borders, and that he himself neglected not the Building of Castles and Forts, no more than *Zosimus* his beloved *Dioclesian*, where there was occasion. But to give the Reader further Diversion in beholding the malicious Partiality of this Writer, it happens so well, that there is still extant a Constitution of his (divided in the Code into two several Laws) whereof the one adjudges him to be burnt alive, that should procure to the *Barbarians* Liberty of making Depredations in the *Roman* Territories (by deserting their Stations and neglecting their Watches) or divide the Booty fo acquired with the *Barbarians*. The other forbids the Officers of the Armies to give leave to Souldiers to be absent from their Castles, or Colours, or those Places where they lay to watch the Motions of the Enemy. If any gave such leave, and in the Souldiers absence no Eruption of the Enemy hapned; the Officer was to be punished with Deportation, and the loss of his Estate. But if at the same Time to be punished with Incursion of the *Barbarians* fell out, he was to forfeit his Head. If this doth not shew how careful he was, that the *Barbarians* should make no Incursions, and in order to this, that the Souldiers should not by any means quit their Stations and Watches upon the Borders, then is there nothing in this World which can afford Arguments to our Relief. But let us further take Notice of the occasion of these Laws. The same year they were made we are told, that *Constantine* lying at *Thessalonica*, the *Goths* broke through the Borders, that were then neglected; and waited the parts of *Thrace* and *Mæsia*, whom he repressed, and forced to beg Peace, and restore the Captives. The *Licinius* complain'd was against the Agreement betwixt them two; that he should be so busie as to refuse his Territories, or the Borders which lay within his Government, from the Enemy; and thereupon Hatred arising betwixt them, a War at length ensued. Here we may see who it was that neglected the Borders, even he, whom, though *Julian* and other Pagans describe as both odious to God and Men, yet deserves no Censure at *Zosimus* his hands. It was *Licinius* in whose District these Borders lay, and who would neither look to them himself, nor suffer others to do it. On the contrary *Constantine* conceiv'd such Indignation at these Irruptions, which brought so much Damage and Disgrace to the Empire, that he could neither forbear by Arms to repress the *Barbarians*, nor by Laws inflicting no less than Death, to prevent their Incursions for the time to come; and that by fixing the Souldier to his Station on the Borders. That he continued in this Mind and Practice to the last, his constant Journeys into these Parts, and other things here mentioned, declare. And now, Reader, pass thy Censure where it's deserv'd.

34. But to come to those Cruel Oppressions of his People. And first, to consider of the *Chrysgyrum*, or Tax of Gold and Silver, what it was, and whether he first Imposed it upon the Subjects, from Trademen and Merchants to the most mean and vile of all others, even to Harlots; and that with prostitute their Daughters. It's Notorious then, that Gold was Exact'd from Merchants, and such as Trafficked, long before the time of *Constantine*. *Alexander Severus*, amongst other Infirmities, that he might draw Trade to *Rome*, remitted to them, both the Gold called *Au-*

He brought  
not up the  
*Chrysgyrum*.

A. D.

337.

De edict. Jui-  
lianensi, lib. 4.  
et Ammianus  
Macrobii, lib.  
27. c. 12. Pagan  
annot. ad p.  
340.

Code Theod. lib.  
9. tit. 1. de re  
militari. Pagan  
Gothofred in  
L. 1.  
Code Theod.  
lib. 9. tit. 12.  
de commutat.  
L. 1. et Code  
Justin. ed. Theod.

Ammianus apud  
S. Hieronymum  
ad Epistolam ad  
Paganum et cum  
Ammiano.

Licinius in  
Alexandro.

*rus Negotiatorum, and Coronarium, which the first is the same whereon we now Infit.* This is affirmed by *Lampadius*, who lived in the days of *Constantine*, and dedicated to him the Life of that Emperor, so that he could not be the first that brought it up. But if we demand of *Zosimus*, at what time of his Reign *Constantine* imposed this Tax, he and *Lumenius* his Apologizer, and such like, will tell us that it was after the Founding of *Constantinople*, toward the end of his Reign, when they talk so much of his Prodigality. But if we view the Laws made by him, and consider them well, we shall find in the middle of his Reign, ten years before the Building of that City, mention made of this very (4) Tax, as of a thing that had been in use of a long time; Money being then paid into the Publick Treasury by Merchants. So faithful is *Zosimus*, as to this Tax upon Merchants; and we shall find him full as worthy of Credit, as to that which concerneth Harlots. For amongst all those Extravagant Courses *Caligula* took to maintain his most lavish Expenses, he raised a (4) Revenue both from Whores and Pandars, and that by a Law made for this purpose: and how scandalous soever, the Impostition, it seems, continued to the time of *Alexander Severus*, who forbade the Money to be paid into the Treasury, but assigned it to the publick Works, as the Repairing the *Theatre*, the *Cirque*, the *Amphitheatre*, and the *Atrium*. Therefore was neither the one nor the other first Imposed by *Constantine*, who, if he had any hand in contriving any thing of the former, made it to be *Lustralis Collatio*, or to be paid in four years, whereas formerly it was annual, or paid at some other set and constant time. This new Course might be more profitable for the Prince, who should receive a rounder sum together; and more ease for the Subject, who would have the Use and Improvement of his Money, the four years. Here was no Injustice. If the Collectors made it more burthenfome, it was their Fault, not his Design.

35. The Impostition upon Pandars was taken away afterward by *Theodosius* the younger, and that upon Strumpets, by *Anastasius*. Of all Authors that write about it, not one lays it upon *Constantine*, *Zosimus* excepted. And though in the Code of *Theodosius* so many Constitutions we find concerning the *Lustralis Collatio*, or Gold and Silver imposed upon Merchants, yet not one word concerning any laid upon this sort of Women; therefore we may safely enough conclude, that *Zosimus* believes him in making him the Author, either of the one or the other. If he continued, or by reason of his great need of Money, suffered this *Chrysargyrum* still to be exacted, by *Lumenius* his good Favour, he is not so much to be blamed, as if he had imposed it. But this Calumny is so gross, that some Learned men would gladly seek for an Evazion to acquit *Zosimus* of so much Malice and Falenefs: instead of *Wencher*, it's thought *Work-men* should be read, the word that signifies the one kind being easily mistaken and false written for the other; such were Porters, Smiths and others, at this time lyable to the *Chrysargyrum*, whom afterward *Valentinian* the elder discharged of the Burthen; or else the Historian, they think, was mistaken, and took the *Tabernarii Negotiatorii*, who were obnoxious to this Payment, for the *Tabernarii Meretrices*; according as the same *Honelt*, good man, having heard or read that *Constantine's* Mother was a *Tabernaria*, very carefully and kindly wrote, that she was an Harlot; such Impartiality is there, and much more in our *Zosimus*. But upon further Examination, we cannot but find the Consequences of this terrible Oppression just as true, as the thing it self, viz. The Cries and Lamentations that were to be heard throughout every City; and when the fourth year came, the Stripes and Torments used towards the Bodies of those miserable People, who could not reach to the Payment of the Money; so that Mothers sold their Children, and Fathers prostituted their Daughters. If in *Constantine's* time any such thing hapned at *Constantinople*, which was a City as well as the rest, how could this cruel Exaction and Oppression of poor People consist with that great Care he took for them, even by *Zosimus* his Confession, that they should not want Bread? would he feed them because they were in want, with one hand, and beat them because they were in want, with the other hand? Give them Bread to supply their Necessities, and put them to Torture, because they were necessitous, and had neither Money to buy Bread nor pay him his Tax? He must have been a pretty humorous Prince at this rate, or *Zosimus* pretty confident to dare thus to impose upon Posterity, and think all Fools that should come after him: for this Allowance of Bread was both given to the Old *Rome*, and the New; and not to every City; his Revenue would not afford it. But though he could not supply all Poor with Bread, he took especial Care, that neither Poor nor Rich should be Imprisoned or Tortured for what was owing to the Treasury, declaring, that a Prison was for Malefactors, and such as deserved Punishment, not for them that

He tortured not his Subjects.

A. D.

337.

(4) L. 2. de

Codi. Theod. de

Pitruenti, de

vici Comest.

Gulfofidi, in

L. 1. de Lustrali

Collatione,

ead. Cod. lib. 13.

Tit. 1.

(5) Ex Graculo

ram diuine

Qualitatis pars

oblatu, ex cap

tulo Pro

statutum

quantum que

que una Conco

cilio metris

additumque ad

capit Legu ut

curatorum Pub

lico, de que

Mentricum,

de que Lencu

mum piffinis,

Sintus, in Ca

lig. c. 40.

L. 2. de Lustrali

Collatione,

Cod. Th.

Vide Gulfofidi,

ubi supra.

Nemo Carcerem

Plumbum,

tuncque ver

bra, et Pand

ra, alique ad

infinita Jude

can reporta

Epistola, in

Dilectum fide

supply all Poor

with Bread, he

took especial

Care, that nei

ther Poor nor

Rich should

be Imprisoned

or Tortured

for what was

owing to the

Treasury, decla

ring, that a

Prison was for

Malefactors,

and such as

deserved Pun

ishment, not

for them that

In

Señ. 1. In case any abused this his Clemency, then indeed he ordains they be kept by a "Guard in strict Custody; and if they persevere in their Disobedience, that then their Neighbour shall make distress; professing it to be his Judgment, that this mild way is the best to procure the Payment of the publick Money. In general, by another Law he commands that all Exactions be made without Concussion or severe Disturbance of the Debtors to the Publick, under great Penalties to be inflicted upon the Exactors.

36. The poor then were not by any Contrivance of his, Beaten or Imprisoned, and much less were they forced to sell their Children, or to prostitute their Daughters. So far was he from forcing them to any such thing, that whereas before, and in his time, in Italy and other places, it was too ordinary for Parents, when Poor and Necessitous, to Kill, Expose, Sell and Pawn their Children, by an Edict (which being written so as to remain most Durable, he commands to be made public in all Cities of Italy) "for prevention (as he saith) of that Parricide; he orders *Abavius*, the Vicar of the *Præfatus Pretorio*, to take care for the Maintenance of such Children as should be brought to him by Parents under that Qualification; and to the Expende assigns indifferently both his Publick Treasury, and his own private Estate. Forasmuch (so he notes) as the Education of Infancy is a *no Delay*. Taking notice afterward of the practice of Parents in Africa, who by reason of Want did sell, and pawn their Children; by another Edict, directed to *Menander*, the *Præfatus Pretorio*, he commands, that such as have no Estate, and hardly and difficultly maintain their Children, be relieved by the Treasury, before they be driven to such Necessity. To this end he empowers all *Proconsuls*, *Præfatus* & *Rationales*, throughout that Province, to give maintenance to all that were in such Distress, and Provisions out of the publick Granaries; concluding, that it was utterly contrary to his Inclinations or Manners to suffer any to perish with Famine, or proceed to so horrid a Fate. The next thing *Zosimus* mentions, amounts to this: that having in so great a Compass as the Roman Empire, many Persons Richer and more able to bear Offices than others, who ordinarily were forced to undergo them; he constrained them to discharge these Offices; or else, where he perceived it might be spared, there he exacted Money for defraying of the publick charge, as at this day the City of London is wont to do. And an horrid thing that is which follows, that he would have the greatest Persons, as well as those of inferior Condition (for perhaps they were as able to contribute toward the publick Expence. Besides, he tells us, that he was so truly prudent, as a Prince, and so well skill'd in his Trade, as there were none of his greatest Officers, but He understood their Estates; at least all their Lands (such might be known) he kept registred in his Books; and upon them he laid a Tax called *Follis*, which was not oppressing, or difficult to be paid. For having largely courted Senators (upon whom this Tax chiefly lay) and by building Houses for them, encouraged them to inhabit his new City: it's not to be imagined, that by any great Exactions he would deter them from continuing and discharging their Trust; which was with one hand to build, and with another to pull down; as in other Matters *Zosimus* forceth him to Act. But if we consider our Author well, he dares not say, that in *Constantine's* time any Mischiefe succeeded upon this Impostition; but that this continuing long after his Reign, the Riches of Cities were by Degrees exhausted, and very many were left without Inhabitants. Now we have known a thing prudently instituted, which coming through ill hands hath been diverted from it's first and innocent Design.

37. But whatever the thing in it's own Nature speaks, *Zosimus* his Design was to render *Constantine* odious; as we know it to be the Practice in all Reformation, of those who are added to the old way, to render infamous such as have been Instruments in the Alterations; and by a prejudice raised against the Persons most ridiculously to infaminate an ill Opinion of the Cause, or Thing it self. Although the Reader may by what he has already seen and read, be sufficiently satisfied as to this matter, yet is there one Remark still remaining, which so much shews the humour of the Man, that it will be for the Reader's Diversion to mention it. He tells us he often wondered how it came to pass that the City of *Byzantium*, being grown to that extraordinary height, so that no other, either in respect of Felicity or Greatness could be compared to it, yet this should by no Prophecy be foreknown to their Ancestors. Meditating much about so weighty a Business (you must know) and turning over many Histories and Collections of Oracles, after some time of Doubting, with much ado he light upon a certain Oracle of *Sibylla Erythraea*, or *Phaella of Epirus*, which Woman possessed by a

Other Objects  
one of *Zosimus*  
frivolous.

L. 2. de Lustrali

Collatione,

Cod. Th.

Vide Gulfofidi,

ubi supra.

Nemo Carcerem

Plumbum,

tuncque ver

bra, et Pand

ra, alique ad

infinita Jude

can reporta

Epistola, in

Dilectum fide

supply all Poor

with Bread, he

took especial

Care, that nei

ther Poor nor

Rich should

be Imprisoned

or Tortured

for what was

owing to the

Treasury, decla

ring, that a

Prison was for

Malefactors,

and such as

deserved Pun

ishment, not

for them that

Thy, de Ex-

actibus Lib. 3.

de vid. L. 2.

de Coheredibus

Lib. 8. Tit. 4.

Lib. 11.

Lib. 11.

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Seft. 1. prophesying Spirit, was reported to have made some Predictions, on which *Nicomedes* relying, and interpreting them as favouring his Design, by the advice of *Attalus*, made War upon *Prusias*, his Father. Now the main Drift of this Oracle is to declare, that a Wolf should have Dominion, and Wolves should inhabit the Parts of *Bithynia*, about such time (or a little before) as those that inhabited old *Byzantium*, should enjoy Regal Power. You may easily guess whom he will have meant by the Wolf, viz. *Constantine*, and by the Wolves, his Successors; and that because of the grievous Burthens and Impositions laid upon those Parts, so as though that Town, or the *Hellepont* should be happy in this respect, that it was raised to such height of Dignity, yet that grievous Wolf should fore affright it. Now good Reader, consider but what this Interpreter *Wolfe* should have writ concerning *Byzantium*; and how it was affrighted or affrighted by *Constantine*, even so much, Poor City! that it was enlarged, called *New Rome*, adorned with Imperial Privileges, and it's Citizens munificently provided for. In Conclusion, if he would interpret it Astonished, so it might well be at the Change of it's Fortune to so high a Decree for the better, that he himself was (as he confesses) seized with Admiration to behold it so advanced, that none could be compared to it, either in respect of it's Felicity, or Magnitude. It's a Question whether the man's Wit or Integrity were greater. Other guesses, if it were worth the while, might be made at this obscure Oracle (as they call it) and if, as some modern Authors do, we should say, that the *Turks* and their Tyranny better have expressed the Sense and Meaning of it, we should seem to any Wise and indifferent man, to have as much Reason on our side: but let *Zosimus* and his Oracle pass together with such Censure, as the Reader will find himself obliged to make, while we return to *Constantine*, and dispatch what is at present further to be said, in reference to this oppressing and harassing the People.

38. Who ever considers the Laws he made, views the universal Tenour of them, their Occasions and Drift with all Impartiality, must confess, that he was a great Reformer of Manners, took extraordinary Care for redressing Grievances, (though to his own Loss and Abatement of his Revenue) and by all Opportunities provided for the Convenience, Ease and Emolument of his Subjects. Any Learned man in things of this Nature will say, that he almost made as great Alterations, to these Purposes, in the Laws (both as to the *Jus Publicum* & *Privatum*) as he did (a) in Religion it self; and that *Nazarius* his Panegyrick cited by Learned *Gothesfred*, is no Fable, although, as we formerly said, we shall neither produce it, nor any Elogiums given him by Christian Writers, to avoid the Exception that might be made upon the account of their Interest and Affection: It were too tedious a Work, and not proper for us here, to insist upon that, which would deserve a particular Treatise of it self, and in some little measure, by (b) others hath been performed; and besides what we have already instanced, we must speak largely of this Person upon another occasion. If the Reader will but peruse the first Constitutions of the several Titles of *Theodosius* his Code; especially with the Commentaries of the most Learned *Gothesfred*, he will herein receive abundant Satisfaction. That the Law, which should afford Relief, might not be burdensome in the Practice of it; let him take Notice how severely he punisheth the (c) Avarice of Advocates. That his Subjects might not injure one another in Word, no more than Deed, what sharp Laws he made against (d) Libels, for repairing the Credits of such as were slandered in that way. How Innocent and Just his Mind in Reference to his (e) Revenue and private Men, appears by the Care he took for the Ability and Integrity of the Advocates of the Treasury; and how he preferred the Cause of private Persons before his own Gain in that particular; which, as he professeth himself in one of his Edicts, so it is the Opinion of the best Lawyers, that many more of his Constitutions do evidently attest and Confirm it. How cautious he was, that the Poor and Innocent should not be oppressed, nothing can be more evident, than that by one Edict he discharged the former Sort of the burthen of Taxes, and provides for the safety of the other by punishing Promoters and Informers with no less than Death. Farther how

at non tam minus tantum aut alterius, quod *Nazarius* sicque ceteris, ut similes dicam, Commentarii de *Constantino* M. *Gregorius* potius ipsi alienigenis operis continent quam *Constantinus* aliquod. (c) Tit. de postulatione. Cod. Tit. lib. 2. Tit. 10. (d) Tit. de famulis libelli injudi. Cod. Lib. 9. Tit. 34. (e) Tit. de Advocatis Tit. lib. 10. Tit. 15. *Quod si quis aliquid querat, quomodo iudicet et pallio Constantini*. At *Constantinus* regis privatus fuisse, non ex privatorum Le. apparuit videtur, sed quod cum privatorum causis iudicet. *Gothesfred*, in Leg. 1. Item in Leg. 2. huius Tit. sic primo loco occurrit opinio Principis dictum illud, de *Martiano* fuisse, quod, Porro apud cum Privatorum Causa fit, quam Publici Tutela. *Quod de se dictum alio complures Constant. M. Constitutiones confirmant, et confirmant. Tit. de Consul. Lib. 13. Tit. 10. Tit. de Postulatione. Lib. 10. Tit. 10.*

great

Seft. 1. great a Lover of Justice and exact Censor of Manners he shewed himself in the point of Contracts in reference to Marriage, in the case of Liberty, Donations, and other things, Persons who are truly Learned in the Laws, with Passion shew us. These and many other things being by him introduced, as Preparatives and Concomitants to true Religion, we shall in that place more properly discover, and Treat of particularly. But by this it sufficiently appears, that *Entropius* did not mistake him, when he wrote, that he was an Affector of Justice. As for what he says concerning his Laws, that many were Superfluous; we must consider the Man's Religion, and then we shall not wonder that his many Laws respecting Reformation and Christianity, are esteem'd Superfluous by a Pagan, as his Pious Magnificence in Building of Churches, accounted Childish Profuseness by such; although he was too kind also to those about him. A Great Man, and one as able to judge of things of this Nature, as any whatsoever, propounds to us the Excellent Goodness of his Laws, as that which best makes out to us his Life and Character; and although the Author of his Life (as all that Read it know) was a Panegyrist, and gives him great *Encomiums*, yet in comparison of what his Laws speak of his Tenderness and Charity toward the Poor, he is bound to affirm him Jeune and Empty. From all laid together, both Affection and Malice being Silenced, he appears a Man of great Parts, and as great Performances; and deserves in respect of those most Eminent Qualifications of his Reign, that Surname, which Posterity, and that early, thought fit to bestow upon him. As all men have their Faults, his greatest seems to have been a too splendid manner of Living, both as to his Attendance, Diet or Apparel; the thing his Bitter Enemy twits him with in his Tale of the *Cæsars*, who would not have omitted other Crimes to which the Age he liv'd in could have attested.

39. But, though *Zosimus* maliciously charges him for thus Innovating in the Government, and introducing new Officers, which tended to the Ruin of the Empire, yet must it be said, that in and about his time there was made a considerable Change in the Politie thereof. And now being arrived, at this Distance, from the Monarchy of *Augustus*, though the Sovereign Power was still the same, we find a new Face of Subordinate Government, each Prince having Contributed to it, as either Convenience directed, or his own Will and Pleasure inclined him. Therefore judge we it requisite to the Nature of our present Design, to give the Reader a Prospect of the whole Politie, such as it was in or about this time of *Constantine*. For amongst the manifold Advantages the reaps by the knowledge of Ancient Times, that of the Nature of Governments, with the Power of Magistrates, is one of the greatest; and without this, he will not be able to understand and make use of the following History, with near so much Benefit and Improvement.

The Policy of the Empire in or about the time of *Constantine*.

## Sect. II.

*An Appendix to the History of Constantine, necessary for the understanding of the following History, containing the Policy of the Empire, or the Form of Government, either introduced by him, or in force in and about his time.*

The Empe-  
your Head.

I. THE Head then of the State, or the Emperour, was such at this time as we formerly describ'd him, officied as great and absolute Power over his Subjects as was consistent with Liberty. For he had all the Authority which long before had been conferred upon *Octavianus Caesar* by the *Lex Regia*, and continued to *Papelian* by renewing of that Law. In what manner forever he obtained the Sovereignty (for almost as long as Emperor and Empire continued) to the Soldiers, when the fit was on them, would make the Choice) it was in his power to allot one or more to him; and it began now to be a Custom, for his own security, to make Emperours before their death, whom they designed for their Successors. Their Promotion was by Nomination or Declaration; and the Ensigns of their Dignity was Purple, and of later times a Diadem; which, after that Christianity had well nigh obliterated Paganism, was solemnly set on their Heads, with Prayers, by the Patriarch or Bishop, which Ceremony we call a Coronation. For though some former Emperours sometimes put on a Diadem, yet before *Dioclesian* there was nothing singular at an Ensign of the Imperial Monarchy, but the Purple Robe only; whereupon *Purpuram sumere* signified as much as to take the Imperial Power, and *Purpurâ indui*, as much as to be made Emperor. But *Dioclesian* commanded himself to be adorned, the Emperors before having only been saluted as the Judges; and to his Cloaths and Shoes he added the Ornament of Gems. This being now the Custom, it was more confirmed by *Constantine*, who out of Averseness to the Laurel, as consecrated to *Apollo*, whole Temples and Worship he destroyed, constantly wore the Fillet or Diadem fit with Gold and Precious Stones, and sometimes joyncd with a Helm or Cap; which sort was generally worn by his Successors.

The Ensignes  
of his Majesty.

*Cesar, or Heir  
of the Em-  
pire.*

The Ensign  
of his Dignity

The next in Degree and Dignity to the Emperour, was he who bore the Title of *Cæſar*, by which he was deſigned Heir to the Empire. Before this of *Cæſar*, that of *Princeps Juuentutis* was uſed in this ſenſe, firſt given by *Auguſtus* to *Caius* and *Lucius*, his Grand-ſons; for by retaining Names which were uſed in times of popular Liberty, as *Princeps* taken from the *Princeps Senatus*, and *Imperator*, which had been the Title of a General, he fought to cover that ſtricter Government which he introduced. Till the time of *Adrian*, *Princeps Juuentutis* continued to be the Title of the Heir Apparent; and *Cæſar*, together with *Auguſtus*, was uſed in the Style of the Emperours themſelves; and if ſometimes it be found given to, or affirmed by the next Heirs or Sons, during the Lives of their Fathers, it was but as if whoever was a Son of him that was called *Cæſar Auguſtus*, ſhould have the Name of *Cæſar*, (not Title) to denote the Honour and Blood received from ſuch a Father. But *Adrian*, adopting *Ælius Verus*, gave him the Title and Style of *Cæſar*, as ſingularly denoting him his Apparent Succellor: after which it cealed to be uſed as a Name of the Imperial Family and Blood, and became Honourary in the Emperours, joynd with *Auguſtus*, and in their deſigned Succellors ſingle by it ſelf. The *Cæſar* was created ſometimes by the Emperours Verbal Deſignation, ſometimes by Letters Patents, or otherwiſe. The Enſign of their Dignity was a Purple Robe with Gold, to which a Coronet was after added, and then alſo put on by the Hands of the Patriarch in a ſolemn and religious manner. Sometimes one, ſometimes more were created, as it pleaſed the Emperours. Sometimes they had parts of the Empire aſſigned them to govern, and were often joynd in Reſcripts with the Emperours themſelves, as is to be ſeen in the Imperial Conſtitutions. Yet, though they were partners in the Government, were they Subjects, not equal in Dignity and Power, and might be degraded by the Sovereign Authority. They are frequently ſtyled in Coins and Laws *Principes Juuentutis*, and more ordinarily *Nobiliffimi Cæſares*. Yet was there another Rank or Dignity next to them in place, which had the Style and Title of *Nobiliffimus*, and gave expectation of the Title of *Cæſar*, as *Cæſar* did of *Auguſtus* or Empe-

or De- corona ostentat  
a Dia- Regem, non fa-  
cit.

Eutropius de  
 Dioclefiano, qui Imperio  
 Romano primus  
 Regis confectis  
 diuis formam  
 magis, quam  
 Romana liber-  
 tatis invenit;  
 adorarique se  
 iussit, cum ante  
 eum cuncti sa-  
 lutarentur: or-  
 namenta Ger-  
 manum vestibus  
 Calceamentisque  
 indidit. Nam  
 prius Imperii  
 infigne in Chl-  
 myde purpurea  
 tantum erat;  
 reliqua commu-  
 nia. Vide Sel-  
 denum nostrum  
 in Titulos  
 Honour.

Sect. 2. rour. The first we meet with that had this Honour were *Constantius* and *Anabal-*  
*ianus*, the Kinsmen of *Constantine*, who conferred it upon them, as lately was observ'd  
 out of *Zosimus*.

3. That which held the next place in the State was the Senate, not in respect of the particular men which constituted it, but of the whole Body. Its Authority continued (for the most part) such as in the settlement of *Augustus*, but was sometimes freighted, and otherwise enlarged, (especially by the Emperor *Arcadius*) as the humour of the Reigning Prince inclin'd, who being Absolute, and having all that Authority both of Senate and People in his hands, their power was in effect but precarious. In an *Interregnum* indeed the Senate was so empowered, as to depose and paragonize, and the Supreme Power dispos'd of the Empire; and such perfums as had ill prepared it when the Sword was on its side, it would endure.

### Its Dignity

Now at this time of which we write, it appears from the Laws (the best Testimony) that it was in great esteem and reputation with the Emperours. In their Constitutions they style it, *Amplissimus Senatus*, *Egregius Senatus*, *Florentissimus Cætus*, *Venerandus Cætus Senatus*, *Concilium Amplissimum Virorum*, *Nobilis Curia*, *Nobilissima Curia*, *Splendidiſſima Curia*, *Senatus Orbis Inelustus*, and the like; and the Senators themselves they call *Proceres*, *Amplissimi Viri*, *Clarissimi*, & *Nobiles*. In their Constitutions or Orations the Compellation is, *Patres Conscripti*, & *Vestra Sanctitas*. And though *Nero* formerly so much disdain'd it, they reckoned themselves of their number, and the Senate to be part of their own Body; though the Sovereign and Absolute Authority resided in the person of the Prince, and he by virtue thereof might do matters without it; yet it made for the Dignity and Grandeur of the *Roman* Empire, that he should have so great and ample a Council to assist him, especially at the Reception and Audience of Ambassadors and Strangers. *Arcadius* was so indulgent to it, that under him the Senate of *Constantinople* exercised the same power as in the Commonwealth, declared publick Enemies, denounced War, and the like; but this was extraordinary, and fully in the Prince's power: otherwise he sent his Constitutions often to them, which were absolutely conclusive, and as it were to be re-

**Power.**

Contributions often to them, which were absolutely conformable, and as it were to be offered in their Court. In other matters the Senate suggested, decreed, and framed an Order or *Senatusconsultum*, but the Emperor by his *sanction* confirmed what was done. At this time we find by the Laws, that the Nomination of *Praetors* was in the power of the Senate. It regulated the payments made by its own Members, and the expences of Games, yet so, as what it resolved was referred to the Prince, who confirmed it. Sometimes also the Emperours would allow it to purge itself, and make choice of such as were worthy to be its Members; yet so, as the Names of those they made choice of were by the *Praefect* of the City to be brought to the Prince, and receive his Approbation. Moreover, Professors were chosen by the Senate, and when any Gift or Present was to be made to the Emperor by it, it was by Intervention of its own Decree. Its Officers who managed the business, handled in it, were those called *Censuales* (from the *Census* or Tax they managed also) except in case of Citations, which belonged to the other Officer called *Principes Officii*. But here it will not be amiss to mention what *Capitolinus* writes in the Life of *Gordian*, That it was the Custom, if the Commonwealth was in such danger, as constrained the Fathers to take such Counsels as were not fit to be divulged, then a secret *Senatusconsultum* was made; at the making and entering whereof, neither *Scribes*, publick Slaves, nor the *Censuales*, were suffered to be present, but the *Senators* themselves discharged all their Employments.

### Its Officers

Several forts o  
Senators.

### Their Privileges.

4. Of Senators, some by reason of the greatness of their Birth were fitted for the Employment; others merited it by having passed through the several Offices of the Palace and State; others were preferred by the Favour of the Prince. Some Senators were named, neither of the rank of *Milites*, *Speiabilis*, nor *Clarissimi*, not furnished with any privileges of Dignity. Some lived at *Rome* or *Constantinople*, and others in the Countrey. The *Præfatus Urbi* was their Head, and by him alone could they ordinarily be judged in Civil Causes; from whom in some cases they might appeal, in others not. The Use of publick Horses and Waggon was allowed them, which privileges were denied to most others. In Causes Criminal the Judge or Governour of the Province where a Senator lived, might take cognizance of the matter, yet not proceed to Sentence, but certify the *Prince*, the *Præfatus Urbi* or the *Præfatus Prætorio*. The *Præfatus* of the City in the Suburban Provinces, in this case was to take to his assistance five Senators, not at his discretion, but chosen by lot. Senators were privileged from several payments, to which others were obnoxious, as from that called *Aurum Coronarium*, from Quartering of Soldiers, and paying Toll in several cases. They were not to be rigorously examined, nor

*Vide Paratit.  
Tit. 2. lib. 6.  
Cod. Theod. de  
Senatoribus, &  
de Globali, vel  
Folium, sep-  
temus Solido-  
rum Conlatione,  
& de Auro ob-  
latione.*

*Vid. Tit. Cod.  
Tibod. de Prae-  
toribus L. L. 8,  
9, 10, 12, etc.*

Sect. 2.

Their Bur-  
then.

put to Torture, but in case of Treason and the greater sort of Crimes: but several Duties they paid, and were obnoxious to divers Burthens, except discharged by special Privilege, so as they were forbidden to make any long Travel without Licence and Approbation, lest the Revenue thence arising should be diminished: and so great was the Expence this way, that some got leave to resign the Dignity, although not in the days of *Constantine*, who made it his business to encourage such as he brought to *Constantinople*. (a) Among those payments was the *Follis* lately mentioned, called also *Glebalis Collatio*, and by many other Names. This was a Burthen of the Estate or Soil, not the Person; and therefore all their Lands and Estates were registered in the *Senate*. All such as received profit out of their Lands paid it, but very few being exempt, not the Emperours House itself, because he also went for a Senator, except he thought fit to renounce the Dignity. But such as had no Lands were not subject to it; they only paid two *Felles*, or an inconsiderable summe: for of the Coin called *Follis* there were several sorts. Some also were exempt from this payment, as also from another lying upon the poorer sort, of seven *Solidi*. Besides these there was a fourth kind in Gold paid by Senators, called *Aurum Oblativum*; yet to this they were not constrained; but it was freely given to the Emperour upon some notable occasion; as after his Victory and Overthrow of some Tyrant, in way of an Acknowledgment. And from this was different another sort of Present they made, which is called *Oblatio Votum*. But the three former sorts of payments, viz. the *Glebalis Collatio*, the two *Felles*, and the seven *Solidi*, remained till the time of *Justinian*, and then by him were quite abolished: so that the Laws concerning them, or the second Title of the sixth Book of *Theodosius* his Code, is omitted in that of *Justinian*.

The Confir-  
mation.The Members  
of it.

5. This was the great Council of the Emperour, who besides it had his (b) Consistory, or Privy Council, as we may term it, wherein were handled and determined all State-Affairs, and such private matters as by way of Petition or otherwise came before the Prince. The Members of it were of great Rank and Employments, Illustrious persons, who had the privilege of speaking and debating before the Emperour; such as were the *Præfidi Prætoris*, the *Quæstors*, the *Magister Officiorum*, the *Comes Sacrarum Largitionum*, and *Comes Rei Privæ*, properly called *Comites Consistorii*, or *Consistoriani*. There were others which had the Name also of *Comites Consistoriani*, but in an inferior Rank, who were not styled *Illustres*, but *Speiabiles*; and were not admitted to speak and debate in Consistory, but only (c) permitted to be present at Debates, and hear the Emperour's Determination. These were also the first Rank of *Comites*, or *Comites Primi Ordinis*, but here of the second sort of Dignity. For to make our way to what we must shortly speak of the several sorts of the public Ministers and Officers, the Reader must know, that under the Roman Princes were to be observ'd five several Degrees or Ranks of Dignities, viz. *Illustres*, *Speiabilis*, *Clarissimi*, *Perfissimi*, and *Egregius*; these were not in use during the Republick, but were afterwards introduced for distinction of persons, which is ever greater under Monarchy than in a Commonwealth. The first kind to have been in use, was that of (d) *Clarissimi*, given to Senators in the time of *Tiberius*; though from *Tacitus* it appears that some of the Roman Knights or Equites had the distinction of *Illustres* or *Illustres*, much about the same time or in the days of *Augustus*. The first *Clarissimus* seems to have been more Honourable; but now about the Reign of *Constantine*, when they were made more distinct Attributes of Dignities, *Illustres* became superior, as is evident from the Laws. And such was the fortune of *Clarissimus*, that not only *Illustres* gave it the go-by, but afterward *Speiabilis* justified in betwixt them. *Illustres* at length became the Attribute of eleven several sorts of persons: The first were the *Patricii*, the highest Rank in the Affection of the Prince, next the *Notabillissimi*, and instituted (e) by *Constantine* the Great; I say, in the Affection of the Prince, to whom they were accounted as Fathers, but not as to the Dignity of State, for so they were inferior to the *Consules*, being rather to be esteemed a Rank or Order, than a Dignity; and having no Jurisdiction, being no Magistrates, were ever Subjects; whereas the Emperours themselves did claim not to bear the Office of *Consul*. The Rank of *Patricii* was joynted with several of the Dignities, and when so found, gave the person precedence above all others, except the *Consul*, the ancient and most sublime Minister in the State.

The several  
Degrees of  
Persons in the  
Empire.

Patricii, who.

6. To defer a little the enumeration of the rest that had the Style of *Illustres*, as of the other Degrees of Dignities, till we come to describe the Nature of their particular Offices and Employments, and first speak of the more general Ranks and Qualifications. The Author of the (f) Life of *Constantine* tells us, that to prefer the more persons, he invented new Honours. There were three Ranks of *Comites* which

Three Ranks  
of Comites.

A. D.

337.

(a) *Vide Pare-*  
tition ali supra.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.(b) *Consistorii*  
Lib. 2. Tit. 1.  
S. 1. c. 17.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.(c) *Perfissimi*  
Lib. 2. Tit. 1.  
S. 1. c. 17.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.(d) *Clarissimi*  
Lib. 2. Tit. 1.  
S. 1. c. 17.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.(e) *Speiabilis*  
Lib. 2. Tit. 1.  
S. 1. c. 17.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.(f) *Illustres*  
Lib. 2. Tit. 1.  
S. 1. c. 17.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.(g) *Patricii*  
Lib. 2. Tit. 1.  
S. 1. c. 17.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.(h) *Comites*  
Lib. 2. Tit. 1.  
S. 1. c. 17.  
Artem in  
Syllabus in  
ad Symmach  
Lib. 2. Epist. 62.

Sect. 2.

Whether first  
introduced  
by Constantine.

whether first instituted by him, or not, began about his time to be remarkable. The Emperours at the beginning of the Monarchy had such about them as they called their *Comites*, or *Companiones*; as also *Amici*, or *Friends*; as had of old the *Eastern Kings*, from whom some think this Custom transferred. For King *David* had his *Friend* or *Companion*, *Daniel* was the Companion of the *Babylonian King*, and honoured above all his *Friends*; and in the Kingdom of *Syria*, *Pholomy*, *Nicanor*, and *Gorgias* were the Kings *Friends*. At first *Comes* and *Amicus*, Companion and *Friend*, were in effect the same; and according to their Interest and Endearment with the Prince, they were distinguished into several Ranks; as there is no man but hath those *Friends* that are more intimate with him than others are. Afterward they became distinct, (though *Friends* still were often called *Companiones*, and *Companiones* *Friends*) the *Amici* or *Friends* being taken for the Intimates or *Privados* of the Prince, his Favourites and inward Bosom-Friends, who knew his heart; as *Ephesius* was the friend of *Alexander*. The *Comites* were the *Companiones* and Affiliates in his Expeditions and Labours, as was *Parmentio* to the King; and in all Encampings had the next place to his Pavilion. Both of these sorts were admitted to his Consultations, and afterwards known by the joynt and common name of *Consistoriani*. Of both before the time of *Constantine* there is frequent mention. The Emperours Attendance and his Council was called *Comitatus*; and in some years the name of *Comes* grew so common, that it was in a manner given to all Officers and Magistrates that gave attendance at the said Sacred or Privy Council, and thence afterward extended to all that were Overseers in any matters of State. So that *Suidas* denoteth *Comes* to be the Ruler of the people, as *Cujacius* observes, whose Opinion also it is, that before the time of *Constantine* the Great, it did not signify any Title of Honour or Dignity; but he, when he had altered many things in the Empire, and endeavoured to obligemany persons, created the *Comes* into a Dignity, and made the threefold distinction, or three Ranks of *Comites* lately mentioned. He grounds his Opinion upon the relation of the Author of *Constantines* Life, who having said, that no man was denied that asked any thing of that Prince, nor any mans Expectation frustrated that expected any thing of him (for some he enriched with Money, others with Lands, many he dignified with the *Senatorian*, many with the *Consular* Honour, and many he preferred to be *Duces*;) adds, *Some were made Comites of the first Rank, some of the second, and others of the third*.

Whether first  
introduced  
by Constantine.

7. Most Learned Men follow *Cujacius* herein, but some there are who will not have these words interpreted, as if he (*Constantine*) had then begun the division by distinguishing his *Comites* into these Ranks; urging that these words no more enforce this Conclusion, than those that go before do infer that he instituted the Dignity of *Senators*, *Consuls*, and *Duces*. But that which follows seems sufficiently to confirm *Cujacius* his Interpretation: For that Writer further tells us, that *Numbers by this means obtained to be Clarissimi, and other Honours*: for, that he might confer Honours upon many, he invented various Dignities. They cannot instance in any Author where in certain mention is made of this Dignity, before *Constantines* time. As for what a very Learned man of our own cities of St. George, being called a *Comes* by Dignity out of the Rituals of the Greek Church; as also of one *Patricius* a *Comes*, out of the Life of St. *Ademion* in that Church. The same exception lies against these Greek Rituals and Lives, that he himself brings and presses against *Zonaras*, and other Greek Historians in other cases, viz. That living in later times, they wrote in the Phrase and Language of their own Ages, and used Terms of more modern times to express things ancient, which they conceived like to those with which they themselves were acquainted. That before *Constantine* time these three Ranks or Degrees came to be their Apparent settled and distinct, it's no way probable: for he (as the Author of his Life writes) his Adopting invented several ways to dignify those that were of different Merits. Although of these there are said to be but three Ranks of these *Comites* or *Comites*; yet this is to be observed, that the same Rank according to the Quality of the Office to which it was applied, had different Degrees. Of the first Rank were the *Comites Consistoriani*, but not they only, for Inscriptions are found *Comes Ordinis primi*, and *Comes Ordinis primi intra Consistorium*, given at once to the same person, as Titles received at several times. The grand Officers of the Empire were also of this first Rank, as the *Magister Militis*, *Præfidi Sacrarum Largitionum*, *Equitum*, *Domesticonum*, to whom thereupon the Titles of

Several sorts  
of the first  
Rank.

de officio Domestici Aug. Lib. 1. c. 17. *Præfidi sacrae largitionum primi ordinis. Præfidi, qui una cum Administratione comparant, ipsi quoque dignitatem Imperii administrant. Sed et quæ venerationis respectu præfidi sunt: h. e. plurimum Administrationis vel Officii, aut præfidi quæ sunt suffraganei. Præfidi, qui ab imperio et imperio vultu, vel Gratiâ Imperatoris. Præfidi, qui in Cod. Lib. 5. Tit. 12.*

Magistri



Sect. 2.
A. D. 337.

afterward succeeded by three thousand and five hundred; of the most choise *Armenians*, divided into nine *Scholes* (as they termed them) or Parties. Over them the *Præfibus Prætorio* had absolute Command, and by his Advice the Prince managed all his Matters: for he was that to him which to *Romulus* was the *Tribunus Celerum*, the *Legatus*, to the *Conful*, the *Quæstor*, to the *Pretor*; and the *Magiftr E-quitum* to the *Diftator*. They obtained by degrees fuch Authority, that not only had they the Administration of Arms and War, but receiv'd Appeals, and handled all Affairs of the Empire.

11. *Augustus* being Author of this Magistracy created first one, and afterward two *Præfets Prætorio*, according to *Mecenas* his Model; that if need were the one might withstand the Traiterous Designs and Attempts of the other; and they were to be of *Equeſtrian Rank*; but *Tiberius* gave the whole Command to *Sejanus*, who perſwaded him to unite the *Prætorian* Soldiers, formerly quartered up and down the City, in one Camp; that they might be weaned from the Luxury of the Place, be ready upon all Occaſions, and by their Union in one Body ſtrike the greater Awe into the People. Hereby this Office, moderate before, received great Advantage. In the Camp the *Præfets*, at firſt, handled no Cauſes; but only took Care of what concern'd War; for *Augustus* committed Appeals in Law-Suits of Citizens, to the *Prætor* of the City, and of ſuch as lived in the Provinces, to Perſons of *Conſular Dignity*; of which Rank he ſet one over the Affairs of each Province. Nor ordered Appeals to be made from Judges to the Senate. *Adrian* was wont, when he took Cogniſance of any Proceſs, to call to him both *Senators* and *Equites*; and according to the Reſult of their Debate, gave Sentence, no mention being made of the *Præfets*. *Marcus Antoninus* was the firſt that uſed their Advice and Authority in Law-Matters. *Commodus* then, that he might more freely follow his Pleaſures, committed the Care and Management of all to *Perennis*, his *Præfet*; and ſo by Degrees Judgments and Appeals were tranſlated to them. Some Princes, following the Example of *Augustus*, made two *Præfets Prætorio*. (a) *Commodus* had as many after the Death of *Perennis*, and ſometimes three, finding it neceſſary to leſſen ſo great a Power by putting it into more hands. When the *Barbarians* made ſo frequent Incurſions, ſucceeding Princes affigned *Præfets* to certain Regions. For under *Decius*, *Tædius Aquilus* was *Præfet* Prætorio of the Eaſt; under *Valerian*, 2, *Vicarius* and *Ragonius Clarus*, of *Ilyricum* and *Gall*; but theſe were not certain, nor perpetual, but according to the Neceſſity of the Times, and the State of War, receiv'd and exerciſed their Power. And the Power of the ordinary *Præfets* (the common number whereof towards *Conſtantine's* time was two, as it ſeems from *Zozimus*) was exceeding great; even ſo great that (b) (as one well obſerves) through the Negligence of ſome Princes, they made, and might be made Emperours, as they pleaſed. For having Authority, both over Military men, and in all things Civil, they oblig'd and confequently, had all ſorts of Perſons at their Devotion; the *Præfet* was eſteem'd a ſort of Prince, without Purple; in this Reſpect only to differ from the Emperour himſelf.

12. *Confiantes* therefore had reason to be jealous of their extravagant Power, and to correct to great an Error in Politie, as the former Princes had committed, (*c*) *Præfident* This he did by taking away their Authority in Military Matters, which he tranſferred upon his *Majestri Militum*, and by continuing the number of four, as he *Præfident* published them under the four Princes that preceded him, whereof each (as he said) had his *Præfidi*. Notwithstanding this, they ever retained great Authority. They published their Edicts, which were perpetually to be observ'd, except the Prince it repeated them. They commanded the Governours and Judges of such Provinces as were under their Care; punished them, if faulty; removed them, if unfit; paid them their Salaries due out of the publick Treasury, and received Appeals made from them; but from the *Præfidi* lay no Appeal. Some things the Judges of the Provinces could not do without their Order, and (*c*) *Cassiodorus* who in his *For- mule* describes their Office hints something, as if afterwarde they received Authority over Souldiers also in part, and had Power of fining, as far as the Sum of fifty Pounds of Gold. They had the Charge of the *Annona*, or Provisions for the Army; took Care of the Ways, and of the Tents. The chief Management of the Revenue was in them; and in the collecting and exacting thereof, this Count was afterward observed, which is prefcribed by (*d*) *Justinian*. The Prince having consulted and signified how much Money, or what Supply he should want for the follow-

*sa) Authoritate praescribit, excepto officiali Magistri Militum. Credo & vel illis aliquid Antiquitus cederet, quae videbantur pro Republ. utiles de fori  
billa trahere. (c) Novell. 1283; quam Consule omnino de modo Collationis.*

ing

ing year, the *Presfidi Pretorio* made the Distribution thereof in the Month of *July, or August*, according to the Value and Wealth of the several Provinces, and in their several Offices or Counties it was Registered, what Proportion each Country or City should pay, either *in Specie*, or in Gold; and of this how much was to be brought into the Treasury, and how much expended in the Province. An equal Cess being thus made, Copies were sent from the Offices of the *Presfidi* to the Governours of the Provinces, at the beginning of every *Indiction*, and by them published in the Cities under their Authority, within the Months of *September and October*, in which the *Indictions* or Impositions of Taxes ordinarily began. In case they observed not the Rule prescribed, they made good to the publick so much as it was thereby endangered. Now the Burthens of the Subject, or *Provincials* were, either ordinary, or extraordinary: and usually they upon whom the former sort lay any thing heavy, were excused from the latter: usually, I say, but not always; when by Reason of a great War, or for other Reasons the Emperours were at exceeding great Expence, as is evident from the Laws.

13. One constant Charge confisted in Tribute, properly so called; another in payment of Cloths, or Gold and Silver. By Tribute the Laws mean the several sorts of the *Annona*, as Corn, Wine, Oyle, Fodder, and the like, such as we may term *Efculenta* and *Poculenta*, which are also called *Fiscale Debitum*, and sometimes might be redeem'd by Money. This being an Annual payment, the *Præfecti* had the Charge thereof, and took Care, that the several things should be disposed in their peculiar Storehouses, to be reserv'd for the Maintenance of the Army, or other publick Uses. For it's easie to observe in several Ages and Countries, that Tributes and Rents were formerly wont to be paid in kind; and here in England, amongst the rest, even for a considerable time after the *Norman* Conquest. Therefore as some Princes have heaped up great Treasures of Coin, so others vast Quantities of Provisions. (a) *Melitenus* the *Præfectus Pretorio*, and Father in Law of the Emperour *Gordian*, was so industrious for his Master this way, that in the greater Cities up on the Borders, he caus'd to be laid up so much Wheat, Vinegar, Barley, Lard, and Straw, as would maintain the Army an whole year; and in the lesser, Provision of this kind for forty, thirty, and at least fifteen days, but in some of them for two Months. (b) *Severus* when he died, left such a stock of Corn, that for seven years together, every day seventy five thousand *Modii* might be spent, and so much Oyl as was sufficient for the space of five Years, both to serve the City, and all Italy, *Trajan* also took Care, that there should always be a Stock of Corn at *Rome* to feed, if need were, for eight years. Now for this supply several Provinces of Course contribute several Things. The *Leptinani* in *Mauritania* furnished Oyl, the *Galls* Horles, and the *Spaniards* also, especially they of *Betice*, of which in those times they had an excellent Breed, besides Cloths, Oyl, Fat and Lard. In Italy the *Lucani* found Hogs, and the *Bruti* Oxen; the *Sicilians*, as *Pancratorus* observes, paid the tenth part of their Wheat, which amounted yearly to eight hundred thousand *Modii*, and if need was, were bound to add another tenth, for which they receiv'd Satisfaction out of the Treasury; as also a fourth, if Necessity urged; for *Sicily* of old was esteem'd the Granary of *Rome*, till such time as *Egypt* was subdued, which in after times paid the fifth part of their Fruits, for which *Constantine* receiv'd eight Millions of *Medimni* of Wheat yearly: but yet what here is said concerning such Nations and People their furnishing such and such particular things, hath rather Relation to the beginning of the Empire; for as appears by *Theodosius* his Code, the Princes that succeeded *Constantine* much regulated and altered these Payments, whereof some were ordinary, and some extraordinary, as was the Occasions and Wants of the State were urgent.

14. However, they were all under the Care and Management of the *Præfeti*, <sup>lib. iii. tit. 5.</sup> who also had the Charge of receiving Clothes for Souldiers; the manner of furnishing which, was various in the several Countries; but generally one was allotted for every twenty or thirty Acres, or sometimes according to the Poll; or else Gold in the room of it. Besides these, they not only look'd to the Collection of the Extraordinary Impositions (as we said) as also of Tolls, Imposts, and other things too tedious here to relate, but could impose Extraordinary Charges and Services in some Cafes; and the *Naxicularii*, or those who Transported the Provisions, were by them Governed. They granted leave to make use of the *Cursus Publicus*, which none of the Greater Officers, except the *Magistri Officinarum*, could do. At their Creation, the Prince of old Girded them with a Sword, as the Ensign of their Office. At their first Institution they could not be *Senators*, being only of the *Equestrian* Rank, lest they should grow too Great. *Alexander*, the Emperor, first



32. first added that Dignity, left *Senators* should be judged by those that were below their Orders; and so they came to be styled *Clarissimi*, and afterwards *Illustres*. They rode in Gilded Chariots, drawn by four Horses, accompanied with the shouts of the Publick Cryers, and Lucky Acclamations of the People, who styled them Fathers of the Empire, and Exhorted them to demonstrate themselves really such. The Princes honoured them also with the Title of *Fathers*, as with those of *Magnitudo, Culmen, Amplundo, Præcelsa Magnificentia, Celsitudo, Excellentia, Sublimitas*, and the like, beginning their Letters, *Fave Hyppate Charissime nobis*, and concluding, *Divinitas te servet per multos annos Incoluunt, Parens Charissime*. Answerably, their Seat was called *Sublimissima* and *Excelsa*. Their Privileges were great, and their Stipends large; for *Justinian* allowed the *Præfekt of Africk* an hundred pounds of Gold yearly, which some compute to have been about nine thousand Sterling. These things abundantly are Evident from the various Constitutions of Princes, And thus much in general of their *Præfekt Prætorio*.

15. In particular, He of the East was most Eminent, both for number of Provinces, and Authority. Now we must know, that the District of every *Præfekt Prætorio* ordinarily included several *Dioceses*, and each *Diocesis* several Provinces. We say, Ordinarily; for several (a) Examples Convince us, that sometimes a *Præfekt* had but one *Diocesis*, which was no other than an (b) Union or Collection of several Provinces under one Administration, or Government. But the *Præfekt* of the East had under him (c) five *Dioceses*, viz. that of the *East*, strictly so called, *Ægypt, Asia, Pontus, and Thrace*. Over which, as his Deputies, were set for many of the Greater Provincial Officers. Of these, the *Comes* of the East Commanded fifteen Provinces; the *Præfekt of Ægypt* six, the *Vicar of Asia* eleven, the *Proconsul* of Asia other three, the *Vicar of Pontica* eleven, and of *Thracia* six; all which made up eight and forty Provinces, as in the *Notitia* of the Empire is expressed. Under his (d) Command were the several Fleets of the *East*, which (as in the other Parts of the Empire) served for conveying Provisions for Defence of the Borders, and clearing of the Seas and greater Rivers of Pirates, and by some are reckoned eleven in number. Amongst these were Eminent that called *Classis Seleucia*, Instituted (as some think) by *Constantinus*, after he had fixed his Seat at *Antioch*, and with great Charge had made an Haven on the Shore of the Syrian Sea, called *Portus Seleucenensis*; though others think it the same with that of *Seleucia*, in the River *Orontes*. There was also in the *Euxine* Sea, consisting of forty Vessels: a Third was ordered by *Trajan* in the Red Sea: a Fourth belonged to *Alexandria*: a Fifth Cruised on the *Carpathian* Sea. The *Notitia* reckons up six more in *Danubius*, besides one belonging to those that served in the Treasury, or the *Tesaurenses*. This *Præfekt* was Resident at Court in the time of *Justinian*; or *Constantinus*, or *Constantinus* being within his District. Of his Arms, or the Ensigns of his Authority, the *Notitia* makes not mention; but doubtless they were near the same with those belonging to the *Præfekt of Illyrium*, viz. a Book of Mandates erected on a Table covered with a Carpet, betwixt four burning Wax-lights; on one side the Images of the Princes (which they as well as other Civil Magistrates of Provinces, but not Military, had born before them) and on the other side, of five Women holding Velsels full of Gold, and representing his five *Dioceses*.

16. The second *Præfekt Prætorio* mentioned in the *Notitia*, was he of *Illyrium*, placed by *Constantine* in the Northern Parts. In Ancient Times, all the Tract reaching from *Danubius* to Italy, and now called *Scalvonia*, was taken for *Illyrium*. (g) *Zonaras* writes, that the name of *Illyrium* being formerly given to various Places, became afterwards peculiar to the upper Continent above *Macedonia* and *Thrace*, or *Constantinople* being within his District. Of his Arms, or the Ensigns of his Authority, the *Notitia* makes not mention; but doubtless they were near the same with those belonging to the *Præfekt of Illyrium*, viz. a Book of Mandates erected on a Table covered with a Carpet, betwixt four burning Wax-lights; on one side the Images of the Princes (which they as well as other Civil Magistrates of Provinces, but not Military, had born before them) and on the other side, of five Women holding Velsels full of Gold, and representing his five *Dioceses*.

Illyrium East-  
cre and West-  
ern.

17. Each of the *Dioceses* under the *Præfekt Prætorio* was Governed by its *Vicar*. He of *Macedonia* Ruled these six Provinces, *Achaia, Macedonia, Crete, Thessaly, old Epirus, new Epirus*, with part of *Macedonia Salutaris*. Under the *Vicar* of *Dacia* were, *Dacia Mediterranea* and *Dacia Ripensis*, *Mesja Prima, Dardania Prævalitana*, and part of *Macedonia Salutaris*, divided betwixt him and his Brother *Vicar*. These two halves put together, make up twelve Provinces, which being added to the Provinces of the East, fill up the number of sixty Provinces of the Eastern Empire. The Seat of this *Præfekt* was first at *Sirmium*; but when *Attila*, the Goth had miserably wasted *Illyricum, Pannia*, or rather *Ærius* the *Præfekt*, removed to *Thessalonica*, a City of *Mygdonia* (which was part of *Macedonia*, betwixt the Rivers *Euboeon* and *Dabruis*, not far from the Sea, formerly called *Halus*, and built say some by *Cassander*, say others by *Philip of Macedon*). Upon this account many Privileges were conferred on the Church of *Thessalonica*. Afterward *Justinian* having overcome the *Slavi*, and recovered both the *Dacia's* and *Pannonia*, made the Town where he himself was born *Metropolis*, enlarging and adorning it with Walls, Buildings and great Immunities. Some say this was *Scalvonia*, a City of *Dalmatia*, near to *Dacia* and the second *Pannonia*: some will have it *Bederina*, others *Acrida*, and some none of them all; but of this Matter we shall discourse in another Place: but he called it *Justiniana Prima*, having founded another City, not far from it, which he also called by his own Name. The Chief Ensign of this *Præfekt* was an Iron-Chariot gilded, drawn by four Horses. To this were added the Images of the Princes, and one Table covered with a white Cloth, with golden Fringe, betwixt four Lights, the Emperours Picture upon a Book of Mandates; wherein were supposed to be contain'd the Duty and Office of the *Præfekt*, and went to be presented to them by the Emperor. And lastly, are to be seen two Women representing the two *Dioceses*, *Macedonia* and *Dacia*, having their Heads crown'd, and Baskets in their Hands full of Gold. These Ensigns are mentioned, or stamped in the *Notitia*, as peculiar to the *Præfekt*s, not but that they used also such as belonged of old to the *Roman* chieft Magistrates: for they had the *Falces* with gilt Axes carried before them, as had also the *Pretors*; the *Trabea*, or Robe embroydered with Gold and Purple, the Ivory Rod; they had a golden Collar about their Necks, and were girt with a Purple Girdle.

18. The third *Præfekt Prætorio* was he of *Italy*, who (as *Zosimus* writes) had under his Jurisdiction, both that Country, and *Africk*, together with the Islands of *Sicily, Sardinia* and *Corfica*. But we find, that in the Reign of *Julian*, *Mamertinus* was *Præfekt of Italy, Africk*, and also *Illyrium*; therefore some contend, that the last in those times had not constantly it's *Præfekt*, but the Empire being divided after *Valentinian*, and *Valens*, the *Præfekt of Italy* had only of *Illyrium* the Western part. This *Præfekt*, as he of the East at *Constantinople*, lived at Court, and therefore both these were termed *Præfekt Prætorio Comitatus*. In the Code of *Justinian* no mention is made of him, nor of the *Præfekt of Gall*; but only of him of the East, and of *Eastern Illyrium*, because then the Empire had failed in the West. *Africk* being recovered from the *Vandals*, by his Arms, he made a *Præfekt* of his new Conquests, and to it joynd *Sardinia*. But though he also recovered *Italy*, yet it doth not appear, that he restored it's *Præfekt* also, it being Governed by *Narjes*, the *Eunuch*, of whose Magistracy no Title appears in our Law-Books; and for such Governours as succeeded him in such parts of *Italy*, as continued under the Empire in following times, they had the Title of *Exarchs of Ravenna*, whereas that of *Eparch* was proper for the *Præfekt*; but to return to the times whereof we write, and the Age wherein the *Notitia* of the Empire was compiled. The *Præfekt Prætorio of Italy* had in his District three *Dioceses*, *Italy* it self, *Illyrium* (the Western) and *Africk*. That of *Italy* contained seventeen Provinces, that of *Illyrium* six, and that of *Africk* seven, as in the *Notitia* they are expressed, which we do not here set down, lest we perplex the Reader's Memory with too many Names.

19. To the fourth *Præfekt Prætorio* was, as *Zosimus* informs us, committed the *Celte*, or *Galls* beyond the Alps, together with *Spain*, and the *British* Islands. Though he governed several Countries, yet because *Gall* was Richer, and nearer to *Italy* he took his Denomination from it, and was called *Præfekt Prætorio Galliarum*, in the plural Number. He had three *Dioceses* in these Countries now mentioned; *Gall, Spain* and *Britain*, which under so many *Vicars* contained twenty nine Provinces, viz. *Spain* seven, *Gall* seventeen, and *Britain* five, whereof the Names were *Maxima Cæsariensis, Valentia, Britannia Prima, Britannia Secunda*; and *Flavia Cæsariensis*; of which hereafter. But long it was not ere all these three

Sec. 2. Dioceses were overrun and possessed by Barbarians, and the *Præfēt* failed. Therefore in the *Notitia* he hath no Ensigns mentioned, only his Dioceses and Provinces; and his Officers, the same with those of the *Præfēt of Italy*; and probable it is, that *Mutatis Mutandis*, his Ensigns were the same; so that it might seem superfluous to mention them. As for *Justinian*, he neither mentions any Officers of those Provinces, because in his time they owned not the *Roman Empire*. And thus much of the *Præfēts* themselves. Something must be added of their Officers, that this Polity, not observed hitherto by many Historians, may more fully appear.

The Officers belonging to the *Præfēts* Provinces. 20. First then it must be known, that all Magistrates of Provinces, and especially the *Præfēts*, had one or more Lawyers to assist them, whom they termed *Assessores*, and *Consiliarii*. By their Council and Advice they Decided Causes; as also, to take care of such Edicts as were to be framed, or of Letters to be written, and to Interpret Decrees according to Law. They heard Criminal Causes, but left Judgment or Sentence to be passed by the *Præfēts*, to whom they gave Directions therein; and what could not be by the *Præfēts*, otherwise employ'd, was Dispatched by them. Of other Officers, which attended the *Præfēts*, no certain number can be Assigned. *Justinian* ordained, that the Retinue of the *Præfēt of Africa* should consist of three hundred ninety and eight Persons; but those of other Places were doubtless more Numerous; whereas the *Comes of the East* had belonging to him, as such, six hundred Men. The Body of their Officers is in the Laws termed *Officium* and *Apparitus*, the Officers themselves *Officiales*, *Apparitores*, *Cohortales*, because they had the Form, and Privileges of a *Cohort*; (and *Pancirolos* thinks, that that *Cohort* or Band, which by the *Evangelists* is said to have been gathered together at our Saviour's Passion, was of this nature.) *Beneficiarii*, because promoted by the *Beneficium*, or kindness of the *Tribune*, to some Office or Employment; and *Scriniarii*, because they kept the Papers which concern'd themselves, in Desks or Coffers. These Officers, both of the *Præfēts*, and other Illustrious Magistrates, as also those that had the Title of *Speſtabiles*, were made such by the Prince his Codicils, or Letters. Every *Christmas* day there was a Promotion of them to be *Cornicularii*, or *Commentariensis*, as they had deserved. Their Work was to Execute the Commands of the *Præfēts*, Introduce such as had Suits, make Records, and read them; enter Judgments and Execute them, and do other things Requisite, as in Courts of Judicature. They were sent to Administer Oaths to such as were sick, or Noble Persons. They went before the *Præfēts*, as *Litōrs* before them and other Magistrates; took care of the publick Poſts; gathered Tributes; hunted out High-way-men, discovered to them by the *Stationary* Souldiers; who, by the Ordinance of *Augustus*, were appointed to lye in wait for Robbers. They had large Fees, besides Provisions allowed them out of the Provinces; and these lay about the Houſes of the *Præfēts*. There were others that liv'd with them, and were call'd *Domestici*; whereof there were some that were call'd *Chancellors*; who wrote Letters from them (as from the *Presidents*) to Private men; and so named, as appeareth from *Cassiodorus*, because they sat within *Cancelli*, or Lattices, through which might be seen what they did.

In Particular, these were 21. But the *Notitia* reckons up in the Office of the *Præfēt Prætorio*, these by Name, viz. the *Princeps*, *Cornicularius*, *Adjutor*, *Commentariensis*, *Abactis*, four *Numerarii*, *Subadivus*, *Curator*, *Epistolarius*, *Regerendarius*, *Exceptores*, *Adjutores*, & *Singularii*; whereof most are frequently mention'd in Law-books. The First was Principal of the Office, directing and commanding the rest of the Officials, without whose Order nothing could be done; being herein like the *Princeps*, or Principal of the first *Cohort*. He had, besides other Clerks in his own Office, a Domestic *Chancellor*, who wrote his most secret business; and, besides other Honours, had the Title of *Clarissimus*. The next to him was the *Cornicularius*, whom *Acerſus* takes only for a simple *Prætorian* *Apparitor*; *Alciat*, for a Minister of the Principal; but *Pancirolos*, according to the *Notitia* and the Laws, for one of the Chief of the Office; and thinks him to have been the Writer and Publisher of the Commands, Judgments, and Decrees of the *Præfēt*, or the *President*. Sometimes he is called *Chancellor*, but ordinarily *Cornicularius*, which Name is Ancient, being given to the *Scribe of the Tribuni Plebis* of old, and seems taken from an Horn, which he might use as the Ensign of his Employment, or by it to command Silence in the Court. They were present, as appeareth from the Acts of Martyrs, at the Examination of Criminals, and took charge of such as were Condemned. It's thought they Com-

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Vide *Pancirolos*ad *Assessores*ad *Notitiam*Or. *Imp. l. 8.*C. *Guthrie* *lib. 2.*C. *4.*

Sec. 2. manded the *Præcones*, or Publick Criers. They continued in their Office but one year, until *Christmas*. They were Rewarded with the Dignity of *Comes*, and Immunity from Extraordinary Charges. They, as the other Apparitors of the *Præfēt Prætorio*, had their peculiar *Scrinia*, or Offices, wherein several Clerks wrote, and kept the Commands, Judgments, and Decrees of the Judges. In the Office of the *Cornicularius* belonging to the *Præfēt Prætorio of Africa*, wrote ten Clerks, to whom were allowed Provisions from the Publick.

Adjutor. 22. The *Adjutor* supplied the Places of others, and Assisted them, being by the Emperor *Gratian* termed the *Adjutant* of the Office, or Company. He was also called *Optio*, from the *Optiones* of the *Legions*, so Named from the Wilhes of such as being sick and weak, unable to Discharge their Office, desired their Help and Assistance: He most commonly Apprehended Delinquents, and Committed them to Prison; Tortured them to make them Confess, and perhaps had charge of the Execution. It's thought the *Speculator* was under him, such an one as Beheaded St. *John Baptist*, whom we Translate an Executioner. He also had his particular Office, wherein, under the *Præfēt of Africa*, ten men wrote the Names, Conditions, and Ends of Delinquents. But, to avoid Confusion, we must take notice, that sometimes by *Adjutores* are meant Ministers of the *Questor*, taken out of several Offices. Next to the *Adjutor* the *Commentariensis* is mention'd in the *Notitia*; and had charge of Prisoners. He allowed Prisoners, if poor, out of the publick Provisions, two or three *Libellæ* a day, whereof one was the tenth part of a *Denarius* in Value. He took care that Men and Women were not put together; and every thirty days was to give an account of the number of Prisoners, their Crimes and Age to the *Præfēt*, or Judge, that they might not be Ruined in Prison. He had under him several Inferior Officers called *Stratores*. He entered the Cates of Delinquents, and their Bail; and from Digesting these things into Memorials or *Commentaries* had the Name; for a *Commentary* is a Book, wherein summarily Matters are Described, as by Heads. Sometimes they Tortured Criminals, themselves, and took care of their Execution, bidding the *Speculators* Execute the Sentence of the Judges. The *Commentariensis* had a peculiar *Adjutor* or Deputy, who in his Absence fulfilled his Place. In his Office wrote twelve Clerks, allowed him at the Publick Charge.

Tabellarius. 23. But the most Important Officer in the whole Office of the *Præfēt Prætorio*, or other Magistrates, was the *Adiary*, called *Atharius* and *Abactis*. He Recorded Contracts, and other Matters before the Judge, Faith thereof being quod *Galla*, publicly made: so that without further Examination or Scrutiny, Credit was given to this Record; so, as at this day, to the Acts of Publick Notaries. In making their *Acta* or Records, this was the Form. It was necessary to write down the name of the Contractor, Witnesses, or the like: the Time, and the whole Contract of Business was to be Described in Order: All this was to be done, at least read, before a Judge; at *Constantinople*, before the Master of the *Consens*; in the Provinces, before the *Presidents*, or Municipal Magistrates: for the *Præfēt Prætorio*, the *Presidents* and their *Adiaries* being not able to dispatch all Businesses, nor such as were at a great distance to attend them; Power of making these Publick Acts was given to the *Duumviri*, and Governours of Cities. To enter them, or read them false, was a Crime, no less than High Treason, because they were of such Importance. By reason of multitude of Matters coming before them, they had Assistants. In their particular Offices they had ten men maintain'd at the Publick Expence. Charge. Now again, to avoid Confusion, take notice, that sometimes an *Adiary* (as in *Suetonius* and *Seneca*) signifies one that took and noted what was said and Dictated in general; sometimes one that wrote down the names of Souldiers, what Pay, and what Reward was due to them; but these belong not to our present Cognissance.

Four Numerarii. 24. Next in the *Notitia* follow the *Numerarii*, who were four in number, in the *Præfēt* Office. In the Provinces there were two called *Tabularii*, whereof one took Account of Estates, Goods or Money, which by Forfeiture or Succession fell to the Treasury, or to the Chest of the *Comes Rerum Privataram*; another of such Tributes as belonged to the *Largitiones*, or publick Expences: for the Emperours had two Chefts, or Receipts, over which were set so many *Comites* *Thyſtes*, viz. the *Comes Largitionum*, and *Comes Rerum Privataram*. To the Expence of the former were Assigned out of the Tributes and Customes a certain Quantity of Gold and Silver, with other things in specie, contained in the *Canones Largitionum*. The Accounts hereof were especially Managed by the *Numerarii*, living with the *Presidents* in the Provinces; but the *Numerarii* of the *Præfēt of the East*, Reviewed, and Examined them, being for that purpose transmitted to them. They took care that

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Bibli. *Africanus*in *Per. 3.* Notat *loc. Nomi-*na *Principis*,

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ensis & *Cornis*calarius de *Le-*gionaria *Milli-*tia *sumpta offi-*Pide de *his Ve-*Amianus, *Mar-*cellinus *lib. 10.*

p. 67.

Alia *torum* *ali-*Publica *Monu-*menta *Jerossia*Publica, *Pub-*lica *Religiosa*,Publica *Charitas*,Publica *dis-*curator, *Religio-*nis & *Inimici-*tis. *Alia* *lib.*Ore *ve* *pub-*licus *ve* *A-*tharius *ve* *pro-*prietate *re-*Pan. *lib. 10.*

Sec. 2. nothing should be wanting of the due Sum of Money, and of that Gold which belonged to the Treasures of the Provinces, and part they assigned to the *Prætorian* Chest, and the rest to be transmitted to the *Comes Largitionum*: the other *Comes* was over the private Patrimony of the Prince, viz. his Lands and Houses; and besides this, gathered some few things; what herein belonged to him, arising out of Causes handled in the Treasury, Confiscated Goods, and some other ways. These Accounts were made up by the *Numerarii* in the Provinces, who entered the Kinds and Quantities of the said Goods, and what Profits were made of the Prince his Land. All which the *Numerarii* of the *Præfidi* of the East diligently Reviewed and Collected. *Isidore* will have the *Numerarii* so called, because they brought the Publick Money into the Treasury; but St. *Augustine* seems to derive their Name from Numbering or Accounting; and most probably they were much the same for Employment, as our *Auditors*. But these two belonging to the *Præfidi*, (as the other also of the Provinces) were employed in Accounts and Writings. A third was called *Numerarius Auri*, who received the Gold levied out of the Provinces, and belonging to the Chest of Publick Issues; exchanged Silver for Gold, and managed the golden Mines. The fourth was *Numerarius operum Publicorum*, of publick Works, as the Palace, publick Houses, Gates, Aqueducts, Walls and Baths. For the *Præfidi* *Prætorio* had the Charge of the Building or repairing of them, as this Officer kept the Accounts, as also he seems to have done of certain kinds of Mines. The Pains of the *Numerarii* being great, they were allowed Assistants, provided they chose them out of the thirty Principals called *Primores*; who might not execute the Office of Assistants twice, without the Interval of two years, lest their long Continuance should minister Occasion of Fraud. The *Numerarii* being discharged, were free from Personal Offices, and requited with the Dignity of *Comites* of the first Rank.

Subadjux. 25. To the *Numerarii* is adjoined the *Subadjux*, who yet was not their Minister, but Adjutant to the Adjutants, and thence had his Name. In the Office of the *Magistri Militum*, he is by the *Notitia* called *Primicerius*. He that belonged to the *Præfidi* *Prætorio* of *Africk* had ten Clerks writing in his under Office, maintained at the publick Charge. After the *Subadjux*, or rather the *Subadjux* (for there were several of them) he is reckoned that had the Care of Letters, or Epistles, which the *Præfidi* had occasion often to write, both to the Prince and others. Those that were written in behalf of such as had well discharged their Employments, were termed *Epistolæ Testimoniales*; those that concerned the *Canones* or Rates of the Tributes, *Canonica*. They that wrote them were also called *Epistolares*, who moreover in Case of Appeals to the *Præfidi*, took account of what had been done by the former Judge, and recorded the succeeding Procefs. He that follows, viz. the *Referendarius* was doubtless the Master of Requests to the *Præfidi*; so called, because he did *Referere*, or *Referre* in *Codicem*, Book such Petitions as he received: in the East he was termed *Subreferendarius*, for that he subscribed the Petitions; thence a Book into which things were transcribed was called *Registrum*. *Pancirolos* thinks *Referendarius* the same with *Referendarius*, who as *Procopius* Lib. 2. de bello writes, presented Petitions to the Prince, and returned Answer from him. In the Office of the *Magistri Militum* of the East, he is called *Scrimarius*, and by *Theodosius*, *Libellensis*, as by others *Libellus*. The Office of Petitions belonging to the *Præfidi* *Prætorio* of *Africk*, had six Writers in it, paid by the Publick. The *Præfidi* *Augustalis*, the *Vicars*, *Correctores* and *Præsidents* had none of these Officers, because bound to subscribe Petitions themselves; yet the *Consulares* of the East (though not those of the West) had such under them, that they might preserve some Shadow of the *Consular* Dignity. In the Office of the *Præfidi* *Prætorio* were also the *Exceptores*, who in the Causes of Appeals, Recorded the Judgments given before him. They kept the Records called *Memoria*; though some think the Place where they were deposited to have been so called. Moreover they were wont to draw the Edicts of Princes. They were governed by one *Primicerius*, who had Assistants, when Absent, or otherwise employed. Of this sort of Officers there were sixty belonging to the *Præfidi* of *Africk*; and what Wealth Sons, their Fathers yet living, got in the Employment, was accounted as much *Castrense Peculium*, as if they had served in the first Legion: which Privilege Lawyers also have observ'd to have belonged to all Apparitors, or those Officers of whom we have now Treated. But these were the *Scrimarii*, who dealt in Writing. There were other Officers and Attendants of the *Præfidi*, not so considerable, which therefore we shall omit. And thus much of the *Præfidi* *Prætorio*, and their Office; and so much, because

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Sec. 2. the Understanding of their Place and Employment in the State gives the greatest Light to the Tome of that Government we endeavour to describe, and to the Understanding of the Imperial Laws.

26. Besides the *Præfidi* *Prætorio*, there were other *Præfidi* and civil Magistrates, not Subject to them (nay two which in the two great Cities took place of them) of whom something is to be said, and then we come to the Magistrates of the Provinces; these were the *Præfidi* of both *Romes*, and other Officers belonging to these Cities under their Command. *Augustus*, as we have elsewhere noted, ordained a *Præfidi* of *Rome*, but he seems rather to have Restored the Office, than to have first instituted it: for the Kings in their Absence left such a Magistrate to govern the People. *Romulus* was so deputed by *Romulus*; *Martius* by *Tullius Hostilius*, and *Sp. Lucretius* by *Tarquinius Superbus*. Long after, *Augustus* being buffeted by his Wars, set *Mecenas* over the City; a man of Equestrian Rank: then by Reason of the Multitude of People, and the slow Proceedings of Law, he took some of Consular Dignity to restrain the Insolence of Slaves, which was at that time very great. The first of these was *Messala Corvinus*, who continued in but a short time, as not knowing how to govern; and some said he laid down on his own accord within six days, pretending it was an Arbitrary Office; to which *Augustus* had granted absolute Power; not only within the City, but an hundred Miles round about. At first the *Præfidi* received Appeals from all the Provinces, but afterward this was restrained to those call'd *Suburbane*, or *Suburbicarian*, because (if *Pancirolos* say right) they reached to the *Suburbs* of *Rome*. Alexander the Emperor lessened his Power, joining with him fourteen Persons of Consular Rank, termed *Curators*, as *Lampadius* writes. From the *Pretors* of *Rome*, which in the time of *Constantine* were two, he also receiv'd Appeals; and when the *Vicar* of *Africk* ceased, *Valentinian* ordered Appeals to be made to him out of those Transmarine Provinces. Of a Senator's Life he was to Judge, assisted with five *Patrician* Senators chosen by Lot; whence this Procefs was call'd *Quinquenvale Judicium*. But Appeal lay from him to the Prince, in which respect he was inferior to the *Præfidi* *Prætorio*, from whom none lay, though in certain Cases he was obliged to consult the Emperor. Both of them might banish into Islands, and deprive Criminals of their Liberty. He had under his Command and Soldiers disposed into certain Stations in the City, to be ready for the suppressing of Tumults. Under his Care were the *Speâculæ*, or publick Shows, the selling of Meat at just Prices, and all Trades; for which were chosen inferior Officers, at the Prince his Discretion. He had the oversight also of publick Buildings; and as the *Præfidi* of *Senators*, presided in the Senate.

27. Under him were these several Officers in the City for dispatching the Business above said. The *Præfidi* *Annone*, to whom belonged the Care of Provisions; *Præfidi* *Vigilum*, who governed the Watches appointed for Prevention of Fires and Robberies: The *Comes Formarum*, who looked to the repairing of *Aqueducts*, or Vaults call'd *Formæ*: The *Comes Riparum* *alvei Tiberis*, & *Clacuarum*, who had Charge of the River *Tiber*, and the common Sewers: The *Comes Portus*, who governed the Port or Heaven of *Hostia* made by *Claudius*: The *Magister Census*, whose Charge it was to see that Taxes and Impositions were truly, and equally laid: The *Rationalis Vinorum*, who took account of the Wines imported, and of the Customes thence arising: The *Tribunus Fori Sennarii* or Overseer of the Hog-Market: The *Consularis Aquarum*, who had the oversight of the nineteen, or as others say, twenty four Waters conveyed by *Aqueducts* into the City: The *Curator Operum Maximorum*, to whom was committed the Care of the great Cirque, the Walls, the *Amphitheatrum Castrensê*, and other great Works: The *Curator Operum Publicorum*, who had Charge of the publick Houses, and other Works. The *Curator Statuarum*, to whom was committed the Safe-guard of the Statues, whereof at *Rome* was a great number: The *Curator Horrorum Galbanorum*, or of the Publick Storehouses: The *Centenarius Portus*, who saw that Strangers and Citizens quarrell'd not at the Haven, and provided for Apprehension of Thieves and Malefactors: And lastly, the *Tribunus Rerum Nitentium*; whose Business it was to see that the sacred Houses, Palaces, Courts, Baths, Cirques, Theatres, Amphitheatres, Highways, Libraries, Fields and other Publick Places were kept sweet, Neat and Cleanly.

28. *Constantinople*, as we said, being made another Seat of the Empire of *Constantine*, and named *New Rome*, with the Name received all the Privileges of the Old. Emulating therefore *Rome* in all things, it was also divided into fourteen Regions; had it's *Capitol*, and other publick Places and Ornaments; and also its

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SECT. 2. (a) *Præfēt* who Judged and Determined, as well Civil, as criminal Causes, and those of *Senators* also within a certain Compass; and to him Appeals lay, as to the other out of the Provinces, from the *Præfidents* and *Proconfuls*. *Constantine* ordained no *Præfēt* for its Government, but three *Prætoris*; whereof the first he called *Flavianus*, the second *Constantinianus*, and the third *Triumphalis*, from the Victories he had obtained; all which he would have spend large Sums of Money upon the People in the Theatres. These were to be of *Senatorian* Rank, and by such to be chosen. *Constantinus*, his Son, to these three added two *Prætoris* more, but in the last year but one, of his Reign, made one single Governour of the City, *Honoratus* by name, who had been *Præfēt* of Gall, with the Title of *Consularis* of *Byzantium*, as *Pancrator* imagined, by a Mistake of *Byzantium*, for *Byzantium* in *Africa*; (b) *Gothofred* tells us in his Discourse concerning this Subject. For this chief Officer had the very Title of *Præfēt*, and this Title continued, as may be seen by the Imperial Constitutions. And now had he Power over the (c) *Prætoris* of the City, the number of whom under *Valentinian* was lessened to four, who entered their Office on the first of *January*. *Gratian* added other Four. At length *Valentinian* ad L. 16. the Third, and *Martian*, commanded only three to be created out of the *Senators*; (d) *Gothofred* dwelling at *Constantinople*, who had some Cognizance of the Affairs of Children and Minors. The *Notitia* takes no Notice of them, as perhaps at that time laid aside, or of small Account. Their Office in those Days was dwindled to little more, than to set forth Plays and publick Shows, wherein they were at great Charges. In the time of *Iustinian* there seemeth one only to have been at *Constantinople*, called *Prætor Plebis*, whom he styleth *Magnificentissimus*, who had an Apparitor.

29. *Constantine*, that he might give greater Authority to the Governour of this City, Ordained, that from the two Governours of the Diocese of *Pontica, viz. Bithynia* and *Paphlagonia*; and so many of *Asiana, viz. Lydia* and *Phrygia Salutaris*, and from the two *Proconfuls* of *Asia*, the *Hellefpont*, and *Ilands*, and from the three *Proconfuls* of the Diocese of *Thrace*, to him should lye Appeals. This *Præfēt* had Souldiers under him. He had Power over Trade, as had the other of *Rome*, and took care that the Liberal Sciences should there be professed; employing at *Constantinople*, as the other at *Rome*, three Rhetoricians, ten Grammarians of both Languages, five Sophists, one Philosopher, and two Interpreters of the Laws. He overlaw the eleven hundred Shops given by *Constantine* and *Anastatius* to the Great Church in *Constantinople*. He had the same Officers, as the other of *Rome*; only it doth not appear that he had a *Vicar*. Amongst those the *Præfētus Annonæ* took Care of the *Palatine* Bread, which we formerly mentioned to have been by *Constantine's* Bounty bestowed upon the People, out of the *Palace*. As the *Præfētus Vigiliæ* at *Rome* commanded seven Cohorts or Companies for prevention of Fires; so this at *Constantinople*, five hundred and sixty three Persons chosen out of the Bodies of Artificers, and Disposed as need required, through the fourteen Regions. But this Office being in process of time bestowed on mean Persons, who instead of suppressing, conspired with Thieves, by degrees it became of no Repute. wherefore *Iustinian* in the *Præfēt's* room Created the *Prætor Plebis*, to whom he gave Power of the Sword over such as by Whoring, Stealing, or other such Courses, offended in the Night. The *Præfēt* of *Constantinople* also nominated the *Lecticarii*, or *Decanarii*, a Company founded by *Constantine*, for Burying of the Dead, maintained by Rents he assigned them out of the Shops lately mentioned. They were called *Lecticarii* from the Beds or Biers; and *Decanarii*, it's probable, because divided into Companies consisting of ten apiece. And, as at *Rome*, it's not to be doubted but here also were *Curatores Operum*; for here were also several Great and Considerable Works, which requir'd the Oversight of some careful Persons. Here were four *Forum's*, two Theatres, one Cirque, eight Baths, two Palaces, five Store-houses, two Houses for Plays or Shows, four Cisterns, four Stews or Bains, fifty two *Porticus's*, twenty publick Prisons, like *Bridewell*, an hundred and seventy Degrees or Stairs whereon the Poor received the Bread given by Princes, one *Porphyry* Column, two others Hollow, one Colofs, besides several other things of Curiosity. Both *Præfēt's* had the Offices of *Princeps*, *Cornicularius*, *Adjutor*, *Commentariensis*, and the rest. Both were Equal in Dignity, and Illustrious. Both had the same Ensigns of Authority common to them and the *Præfētis Prætorio*, or with very little difference. In a gilt Chariot drawn by four Horses, they rode through the City, with the same Acclamations of Criers and People. *Alexander* the Emperor calleth the *Præfēt* of the City, *Urbis Amicum*. Other Princes in their Constitutions give them the Titles of *Tua Sublimitas*, *Magnitudo*, *Sinceritas*, *Illustre Auctoritas*, and others given to the

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(e) Notitia Pra-

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ment. ad Notit.

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(f) Notitia Pra-

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ment. ad Notit.

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(g) Notitia Pra-

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(h) Notitia Pra-

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(i) Notitia Pra-

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SECT. 2. *Præfētis Prætorio*. He was styled also *Gloriosissimus*, and his Seat *Amplissima*. In his Court he had Eighty Advocates, whereof fifteen were Eminent, and called *Primates*. The first was made Advocate of the Treasury, with a publick Salary; and all the rest had the same Privileges with other Advocates, and the Title of *Clarissimus*.

30. The several Offices of the *Præfētis* being Dispatched, who were the Highest sort of Magistrates; True Method brings us to the *Provincial* Officers under their Command; which course is fittest for understanding the Government, rather than to speak to all, as they were Ranked by their Dignities. These *Provincial* Officers, at this time, were such as under the *Præfētis* Governed the several Dioceses, or such as Ruled the several Provinces under them; the first Rule and Original of whom to Discover, it will be worth our while to fetch things higher. Know then, that the *Romans*, when they had Conquered *Sicily*, *Sardinia*, and *Corfica* first, and afterward *Spain*, and *Gallia Narbonensis*, appointed to each Province a *Prætor*, as we have in our first Tome already shewed; for that both *Spain* being subdued in the DXX year of the City, four *Prætoris* were sent abroad. Afterward, *Africa* having receiv'd the Yoke, and the Power of the People of *Rome* being further spread, (whereas *Prætoris* had only hitherto governed Provinces) it pleased the *Fathers*, that such as had been *Consuls* the foregoing years, should, their time being out, still have the Command, as *Pro-Consuls* for the years following. *Provincial* Officers therefore were only *Prætoris*, *Proconfuls* and *Questors*, till the Change and new Model made by *Augustus*, who dividing the Provinces betwixt himself and the People, assigned to them the peaceable and settled, and retained the unquiet, that lay upon the Borders, in his own Hands, under pretence of assisting them of so great a Burthen; but indeed thereby to have the Armies at his own Command, and prevent their turning the force of the Empire against himself.

In the time of *Augustus*, the *Magistratus* were of Provinces belonging to the People, he called *Proconfuls*; being chosen by Lot out of the *Senators*, though they were not of *Consular* Dignity. They held their Office only a year, and once out of the *Pomerium* had some *Fasces*, or *Consular* Ensigns born before them, till their return; but had no Authority over Souldiers, neither wore the Sword, nor *Chlamys*, or Souldiers Habit. But those he sent into his own Provinces ordinarily he called *Legats*; though persons of *Consular* Dignity and *Proprietores*; but these were afterwards called *Præfētis*, and all, *Legats* or *Lieutenants* of *Cæsar*. They had five *Fasces*, or Bundles of Rods carried before them; had one Assessor to assist them; commanded the Souldiers; wore Swords, and the Habit; and continued in their Office as long as it pleased the Emperour. To the *Præfētis* of *Italy* that commanded Souldiers, he gave the Name of *Prætoris*, because the ancient Commanders of Armies were so called. These were afterwards styled *Consulares*; therefore the Name of *Prætor* and *Consul*, faith *Dio*, remained only in *Italy*; the Governours of which were styled *Prætoris* and *Consulares*.

31. To such as had been *Consuls*, he only Assigned two Provinces, *viz. Asia* and *Africa*, with three *Assessors*, and those also of *Consular* Dignity. Into the Inferiour Provinces were also sent *Questors*, who afterwards got the Name of *Cæsar's Procurators*; such was *Pontius Pilate* in *Judea*; but *Strabo* writes, (which it seems was afterward) that *Augustus* appointed Ten *Prætorian* Provinces to the Ordering of the Senate, into which *Prætoris* were sent, and two *Consular*, which were Governed by *Proconfuls*. He being dead, *Tiberius* would not permit the *Magistratus*, that were to be sent into the Provinces, to be chosen by the People, but by the Senate; and so all things, by degrees were transferred into the Power of the Prince. Now a Province was that Country, or Region of the *Roman* Empire, which was not Governed by Kings, but *Magistratus*. For *Strabo* tells us, (a) That of all that Ground which was under the Obedience of the *Romans*, Part was held by Kings, (as *Tributaries* and *Vassals*) and Part they held themselves by the Name of a Province, and thither sent Governours and *Questors*, or such as were Employed in Levying their Tributes. The Provinces (as we said) were divided betwixt *Cæsar* and the People; but such Regions as (b) *Tributary* Kings and *Reguli* held, were accounted to belong to *Cæsar's* share. Provinces most commonly were bounded by Seas, Rivers, or Mountains; but in Describing a Province Concets are various. Some will have that a Province, which contained Ten or Eleven Cities; and some Question there is what thing it was which Constituted a City, or could give that Title to a Town. Some take a City (*Urbis*) of old to be meant by a place which had Courts of Justice Administered by the *Dumoviri*; others require a *Prætorium*, a *Gymnasium*, a Theatre, a *Forum*, a *Bath* and *Porticus*, which indeed Lawyers

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(f) Notitia Pra-

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(g) Notitia Pra-

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(h) Notitia Pra-

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generally esteem as Ensigns and Marks of Cities. The *Pretorium* was the place where the President or Chief Governour Administred Justice. The *Gymnasium* or *Palestra*, was a Four-square, encompassed with a *Peristylum*, or four Galleries (as the Exchange in London, or Cloisters in Monasteries) whereof that toward the South was double, having an *Exedra*, or place with Seats, like to a Chapter-House in Monasteries, where Philosophers sat and Disputed. On the Theatre were Plays and Shows presented. In the *Forum* the *Duumviri*, or *Defensores Civitatum*, Magistrates of the Cities, Administred Justice in lesser Matters. The *Porticus*, or *Basilica* were Arched Buildings, supported by Pillars, where Buifnesses were Transacted, as the Exchange, having about them Shops, whereof mention is often made in Law-books. The Christian Churches resembling these, were also termed *Basilicae*. Afterwards, Bishops being set over the more Eminent Towns, such are not esteemed Cities as are not Episcopal Seats, especially in Italy; yet is not this universally observ'd, and Lawyers confels it to be no necessary Mark.

What Governours of Provinces in the time of Constantine.

32. But before the time of *Constantine*, whereas Provinces were of various sorts; as first, *Pretorian*, then *Consular*, and *Proconsular* 3 sometimes *Propraetorian*, and sometimes *Quaestorian*, (as *Cyprus*, to which were sent *Quaestors*, who Raised Money, and Administred Justice without Military Power.) About this time this Custom was changed by the Institution of the four *Præfetti Pretorio*, their *Dioeceses* and *Provinces*. Over their *Dioeceses* certain Officers and the *Vicars* had Command, and under them, over the several Provinces into which the Dioeceses were subdivided, other Governours called *Proconsuls*, *Consulares*, *Correctores*, and *Præfides*. The Dioecese of the East was committed to a *Comes*, and that of *Aegypt* to one that bore the Title of *Præfetus Augustalis*, and under them the *Vicars*; as there were three several sorts of Magistrates, so of Provinces, some were of the greater, some of the middle, and some of the lesser fort. The first were Governed by *Proconsuls*, the second by *Consulares* or *Correctores*, and the third by *Præfides*; for the *Præfides* were the lower sort of Governours, although sometimes all Provincial Magistrates (by reason of the Latitude of the words) go under that Name or Appellation; and no more kinds of Provincial Magistrates are found in the *Notitia*. Further, it must be known, that these Provinces were often made greater or lesser, viz. *Proconsulares*, *Consulares*, or *Præfidiæ*, according to the Exigency of Affairs, or the Pleasure of Princes; as also their Limits altered and changed for the same Reasons. The *Comes of the East* (who sometimes goes under the Name of *Præfetus of the East*, sometimes of *Vicar*, and otherwhiles of *President*, in the general sense now mentioned) had great Authority, receiving Appeals from all the Inferiour Magistrates of his fifteen Provinces. He had Power to Fine as far as six Ounces of Gold, whereas that of other Magistrates, that were only *Speâbiles*, extended but to three. To his Court belonged forty Advocates, who had studied the Law at least five years. In his Office he had six hundred Apparitors; and resided at *Antioch*, the Metropolis of *Syria*; yet from him there lay Appeals to the *Præfetus Pretorio*, and the *Quæstor* of the Palace; and his vast Jurisdiction over fifteen Provinces, was at length cut short by *Justinian*, who confined it to *Syria Prima*, and *Cyrbestia* adjoining to it.

The Comes of the East.

The Præfetus Augustalis of Aegypt.

33. The *Præfetus Augustalis* was instituted by *Augustus*, by him appointed to the Government of *Aegypt*, and thence had his Name. He was no *Senator*, nor so much as *Consularis* till the time of *Severus*, but only of *Equestrian* Rank. His great Charge was to see conveyed away for *Constantinople* the *Felix Embola*, or the constant annual quantity of Corn. For in the days of *Augustus*, *Aegypt* supplied Rome with two Millions of *Modii* of Wheat; and indeed for four Months of the year alone furnished that City. The Imperial Seat being Translated to *Constantinople*, Corn was also from *Aegypt* transported thither, and thither only, after that the West was overrun by the Barbarous Nations; and hence came all that Grain, which *Constantine* turned into Bread, and caused to be Distributed to the Inhabitants of his new City; which Allowance, though diminished to one half by his Son *Constantinus*, yet afterward was made up and increased by his Successors. In *Justinian's* time eight Millions of *Medimni* yearly were sent to *Constantinople*, bought with six hundred and eleven pounds of Gold, given by the Liberality of the *Senate*, or others, into the hands of the *Præfetus* of the City, or the *Præfetus Annone*. Neither is it any wonder, that *Aegypt* should afford so much Corn, considering it's vast Fruitfulness and Riches; for it yielded to *Auletes* a Revenue of twelve thousand and five hundred Talents, and as much more to *Augustus*. Nay, some affirm, that *Ptolemy Philadelphus* raised out of it three Millions and five hundred thousand

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*Modii* of Corn, and fourteen thousand eight hundred Talents. And yet the Inhabitants in *Nero's* time, besides the *Alexandrians*, were seven Millions and fifty thousand Persons: but, for the Power of the *Præfetus*, he inquired into the Misdemeanours of the *Præfides* Subject to his Jurisdiction (for only *Præfides* they were, no *Proconsuls*, or *Consulares*, because he himself was sometimes but of *Equestrian* Degree) and, their Crimes first made known to the Prince, punished or removed them. His Residence was at *Alexandria*, the great *Emporium*, not only of the *Roman Empire*, but of all the *East*. For hither Merchandise from *India* was convey'd. *Justinian* reduced his Power also into narrow Bounds, confining it to *Alexandria*, and the two Provinces called both the *Aegypt*, or all *Delas Maroitie*, and the City of *Menelaus* excepted, which he laid to *Libya*. The *Præfides* of these two Provinces alone he subjected to his Command; allowing him an Office of six hundred men, and a Revenue proportionable to so straitened a Power. He was bound yearly to exhibit the Courses of thirty six Horses before the People, and was at further Expences in Publick Baths, and other things. The *Comes of the East*, and he had the same Ensigns of their Authority; viz. the Faces of the Princes on the top of a Gilded Pillar; on a Table covered with a white Carpet, a Book overlaid with Silver; below, the Pictures of the six Provinces subject to him, holding in their hands Vessels full of Gold, in token of Tribute; having about their Necks Golden Chains, on their Heads Crowns; and some of them appear, as having cast off their Mantles from about their Shoulders. The *Comes of the East*, this *Præfetus*, and the *Vicars*, were of the Rank of *Speâbiles*, and so was the *Proconsul*.

The Ensigns of their Authority.

The Proconsul.

34. The *Proconsul of Asia* had under him three Provinces, and being Governour of a kind of Dioecese, was of the same Rank and Power with the *Comes*, *Præfetus* and *Vicars*. Any other *Proconsul*, that were but Governours of single Provinces, yet had greater Privileges than other Provincial Officers, as the *Proconsul of Achaia*, to whom the *Notitia* gives also the Title of *Speâbilis*, with his Officers, as the *Princeps*, *Curator*, *Commentarius*, *Quæstor*, *Adjutor*, and the rest, whom we find belonging to the Governours of Dioeceses. There were many other particulars wherein the *Proconsul* Excelled the Ordinary Magistrates of Provinces; this Respect being continued to him by Posterity, out of acknowledgment of that great Dignity and Power whereof he was possessed. He had six Bundles of Rods and Axes carried before him, whereas a *Præfetus* had but five. It's probable indeed, that the *Consularis* had the same Ornaments with him, but not the *Correctores*, nor *Præfides*. From his first Departure out of the City he used these Ornaments, till his Return; and exercised in the way voluntary Jurisdiction (as we call it) viz. of *Manumission* and *Adoption*, which things were not permitted to other Magistrates. He could fine in six Ounces of Gold, as could the *Comes of the East*, and the *Præfetus Augustalis*; *Præfides*, but in two. He had his *Legatus* or Lieutenant to whom he could delegate his Jurisdiction, whereas the *Præfetus* contented with one *Ajessor*, delegated Causes to inferior Judges. A *Proconsul*, though he continued in his Office but a year, yet still administred Justice till the Arrival of his Successeur; a *Præfetus*, only so long as pleased the Prince. Some think that he had him alone was proper the Power of Deportation, not to the *Præfetus*. He had the same Privilege of old, as the *Pretor at Rome*, of publishing Edicts to moderate the Law, which were termed these *Jus Provinciale*, a Power never granted to *Præfides*, nor other Magistrates, styled *Clarissimi*, till the Reign of *Probus*. *Præfides* were under Command of the *Comes of the East*, or of *Vicars*. The *Proconsul* was Subject to the Orders of the *Præfetus Pretorio* alone. From the *Præfides* not though Delegated by the Prince, Appeal lay to the next *Proconsul* in Matters not exceeding ten pounds of Gold; but from the *Proconsul*, to the *P. P.* or the *Quæstor* of the Palace. The *Proconsul* had his *Libellenses*, not the rest. He rode in a Silver Chariot drawn by four Horses. He had for Ensigns of his Authority the Picture of his Provinces, or Province, together with the Images of the Princes on a Pillar, and a Book of Mandates standing on a Table covered with a white Carpet, with a golden Fringe. Neither he, nor any other Magistrate could stir out of his Province, nor make War without the Authority of the *Senate*, or the *Prince*; and Neither could any of them in his Province build a Ship; left by a Liberty, and Study of Gain, they should be diverted from the publick Buifness, or intercept the Profits and Encouragements of Merchants.

Other Provincial Magistrates of the Degree of Clarissimi.

35. Now after these, who bore the Title of *Speâbiles*, a little of the other Provincial Magistrates styled *Clarissimi*; such were *Consulares*, *Correctores*, and *Præfides*, to whom, under the *Vicars*, the Provinces ordinarily were divided. Here the

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Sect. 2. the *Consulares* are not to be understood, as such who had born the Office of *Consul*, but as were dignified with *Consular* Ornaments only; being first Instituted by *Augustus*, and set over the Provinces of *Italy*, whence they passed into other Countries. Sometimes Commanders of Armies have been called *Consulares*; either by Reason of the same Ornaments, or because they were created out of this sort of Magistrates, and there was a *Consularis* of Waters under the *Præfekt* of *Rome*. Their Ensigns of Authority were six *Fasces* and Axes, a *Curule-Chair*, and the Faces of the Princes, with the Image of a Woman representing the Province; whereas *Corrēdores* and *Præfidents* had that of a Town, and a Book of Mandates, not marked, as was that of theirs. Their Office or Attendance was Constituted, as that of *Præsidents* and other *Clarissimi*. They had of old two *Numerarii*, but afterward were allowed but one apiece. There were in the *East* fifteen *Consulares*, and sometimes in the *West* two and twenty; and the Name and Employment continued till the times of *Justinian*, who mentions the *Consularian* Provinces.

36. *Corrēdores* held the middle Place betwixt *Consulares* and *Præsidents*. This sort of Officer is found in the Reigns of *Severus* and *Caracalla*, and afterward was created a *Corrētor* of all *Italy*, who continued long in use, till *Constantine's* time, and then this Emperor ordained two for that Country. At length they got into other Provinces, as *Angulianica* and *Paphlagonia* in the *East*, and in the *West*, *Savia*. They had some Command over Soldiers, whom they punished with the Knowledge of the *Magistri Militum*. They wore the *Chlamys*, and had as Ensigns of their Authority the Faces of the Princes, with Books of Mandates, and the Image of a Town, and the same Office, or Apparitors, as the *Consulares* and *Præsidents*. To add something, though not much, to what we have already frequently hinted concerning the *Præfekt* or *Præsident*: Of those *Prætorian* Provinces made by *Augustus*, *Alexander* the Emperor made many *Præsident*: and afterwards *Prætor* being taken away, all the rest became such, till the Reign of *Justinian*, who restored the Office and Authority of *Prætor*. The *Præsidents*, as others of the *Clarissimi* were termed *Ordinarii*, their Provinces *Ordinarie*, and also their *Seats*; generally they had the Style of *Clarissimi*, but not all: for the *Præfekt Arabia* under the *Comes* of the *East*, and he of *Isauria* were but of the Degree of *Perfēdissimus*. The Prince honoured them, as the *Corrēdores*, with the Titles of Brothers, of *Justinian*, *Vigilantissimi*, *Optimi* and *Præsantissimi*; as *Claudius Iulius* saluted *Felix*, and *St. Paul* worded it to *Festus*. They continued in Power but a year, except the Prince thought fit to continue them longer. Their Office and Attendance was very little different from those of the *Consulares* and *Corrēdores*: and the Ensigns of such of them who were but *Perfēdissimi*, were well nigh the same with those of the other.

37. We have Dispatched the Civil Magistrates of the Provinces, and now come to the Military, being of as great Concernment, such as were placed on the Limits of the Empire. *Augustus* (as we said) retaining those Provinces that were Troublesome, and furnished with Soldiers, in his own hands; appointed nine Regions, or Limits, on the Borders to be kept by the Legions. One in *Spain*, with three Legions; one in the Lower *Germany* upon the *Rhine*, with four; another in the upper *Germany*, upon the *Danubius*, with other four; a fourth in *Dalmatia*, with two; a fifth in *Pannonia* with three; a sixth Limit in *Syria*, with four Legions; a seventh in *Ægypt*, with two; an eighth in *Africk*, with one; and a ninth in *Mesias*, upon *Danubius*, with two. All which make up twenty five Legions. But to these *Claudius* added a tenth Limit in *Britain*, with three Legions; *Vespasian* an eleventh in *Cappadocia*, with two; *Trajan* a twelfth in *Dacia*, with two; a thirteenth in *Armenia* and *Mesopotamia*, upon the River *Tigris*, with other two; and a fourteenth in *Arabia*, with one. All which make up the number of thirty five Legions. Afterwards, new Enemies continually falling upon the Roman Empire, sometimes new Limits were added to the old, and otherwhiles their Number was lessened, as the state of Affairs required. *Dio* mentions thirteen in *Alexander's* time, and the *Notitia* fifteen in the *East* alone. Afterward, when the Empire of the *West* was over-run, the Emperor *Leo*, for the better Defence of the *East*, added three Limits, with so many *Comites*, and one *Dux* of the Western *Pannonia*. And whereas *Palestine* and *Mesopotamia* had formerly had each its *Dux*, this Charge of those Countries was given to a single Person; there being now five *Comites* that Commanded in the *East*. For the better understanding of these Limits, or *Præfectures*, as they were also called, *Theodosius* (a) tells us in his *Nocēls*, that whatsoever belonged to the Roman Empire, was in old time fenced with a *Vallum Limitis*, a Wall or Rampier of a Limit, from the Incursions of Barbarians.

38. Yet

Sect. 2. 38. Yet is not this old time to be extended beyond that of the Emperor *Adrian*, before whose Reign, the Romans in their Limits made use of Camps and Stations, rather than Walls: but *Adrian* found it more convenient to raise Walls in such Places (a) as were not by Rivers separated and fenced from Barbarians; of which that is most celebrated, which he here in *Britain* caused to be drawn betwixt the mouths of the Rivers *Tine* and *Esk*, though the Materials were no better than Turf. Afterwards (b) were added for the further security of the Limits, Towns, Garisons, Castles and Forts, such as (b) *Zosimus* writes *Dioctes* to have raised out of his great fore-sight, for the safety of the Empire. These Towns are called Towns of View or Discovery, by some *Arifides* (c) the Orator; for upon the Borders were of old appointed Select Companies of Spies, or Scouts, call'd *Speculatores*, or *Exploratores*, whose Duty it was (d) *Ammianus* describes it, to go far and near to Discover the Motions of the Neighbouring Nations to the Duces, or Captains. But it was grown a great piece of Policy with the Romans, and that we can easily believe, before the time of *Dioctes*, for hindrance of the Irruptions of Barbarous Nations, to build Towns upon the Borders; not only where there was no Natural Fence by Mountains or Waters, but upon Rivers also, as hath often been observ'd. For instance, *Strasbourg*, *Spire*, *Mentz*, *Confluentz*, and others upon the *Rhine*, to restrain the Incursions of the Germans into *Gall*; and it was also practis'd by them here in *Britain*; where *Bravonnum*, or *Brannonium* was built upon the Eastern Bank of the *Severn*, the better to curb the *Transalpine* Natives, besides *Deva* (now *Chester*) and other Cities upon the River *Doe*. As for the other sorts of Works, the greater Munitions were called *Castra*, from the Camps of the Soldiers, and these, not seldom, grew into great Towns or Cities throughout *Europe*; which we find evident here in *Britain*, where almost all our great Cities and Towns had their beginning from the Roman *Castra*, (whether on the Borders or elsewhere) though not always planted in the very same site, yet at no great distance. And especially this observation holds in those, the Names of which were in the *Saxon* times fashio'd so as to end in *Chester*. For which reason also it is, that the Ancient Stations about the *Piſſ* Wall, the *Carkkies* of many whereof do at this day appear, are still called *Chesters* by the Country People. The lesser sort of Munitions were not termed *Castra*, but diminitively *Caſtellis*, *Caſella*, and *Burgi*; which Name, as *Vegetius* writes, was under the later Emperours given to small Castles, or Forts convenient for War, and well stored with Corn; and the *Burgundians* from living in such, received theirs; to which *Orosius* also witnesseth. *Procopius* writes, as if these small Forts were first built upon *Danubius*, being not strong in themselves, but in the Soldiers who lodged in them. That *Attila* easily Demolished them in his Passage, and that *Justinian* re-edified them; not such as they had been formerly, but very strong, and able to endure a Siege. But of all these Towns, Camps, or Castles, there were in the *East* alone above three hundred Garisons, and scarcely any Province but had fifteen, or thereabouts.

39. Now, to come cloſer to our buſineſs; every one of these Towns had its Governor, or *Præſectus*, and the ſeveral Limits or Frontiers had their ſeveral *Duces Limitanei*. Here we muſt take notice, that the Commanders of Armies were Anciently called *Duces*, though moſt commonly *Imperatores*. Afterward the Sovereign Power being transferr'd from the People to the Prince, and the Title of *Imperator* being affum'd by him as Peculiar; Generals were only called *Duces*. At length the Name was in an eminent way conferr'd on ſuch as Commanded the Soldiers lying upon the Frontiers, which being ordinarily Inſeſſed by the Barbarians, ſtood in need of perpetual Guards. And of theſe *Euſebius*, or the Author of *Conſtantine's* Life, is to be underſtood, where he writes, that that Emperor made many *Duces*; although the *Duces* of the Borders were much Antienter than in his time. Our Learned *Camden* will have thoſe that Govern'd the Limits firſt ſtyl'd *Duces*, about the time of *Belius Verus*; but *Pancinolu* more Antiently than this; no later than the firſt Emperours. Their Name and Office was older, but their great Encouragement, and the ſupport of their Employment they received from *Alexander Severus*, the Emperor, who, as *Lampridius* tells us, gave ſuch Grounds and Territories, as were gain'd from the Enemy upon the Borders, to thoſe *Duces Limitanei*, and ſuch Soldiers as ſerved under them; to paſs from them to their Heirs, on condition that they continued in Service, and never to come into private hands. He concluded, that they would hereby be provok'd more induſtriouſly to mind their Buſineſs, while they fought for the Defence of their own Poſſeſſions: and for their further Encouragement, he beſtow'd upon them Cattel and Slaves, that they might Till their Lands, and thereby, the forſaking of theſe Territories ſo near the Enemy,

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Sect. 2.

Sect. 2.

through the Poverty or Age of the Possessors, might be prevented. In like manner did *Probus* give much Land in *Ispania* to his old Souldiers, on these terms, that their Sons being eighteen years old, should be sent to the Wars. Of this kind, as one observes, were the *Agri Militibus assignati* mentioned by *Ulpian*; and hence, as well as for other Privileges enjoy'd by the *Veterani*, an Account is given us, that so severe Laws were justly made by several Emperours in after times, to compell the Sons of these old Souldiers to undertake that Service, from which the Fathers were excused.

And by consequence were made Comites of the first Rank.

Dux Britanniæ in this Island.

Comes Britanniarum.

Other Comites and Duxes of the West.

Their Power.

40. But thus we see the *Duces* of the Limits holding Places both of very great Honour and Profit. Several of them were by *Constantine* advanced to be *Comites* of the first Rank, and were by him styled *Comites per Provincias*: and those of this Degree seem rather Superior to others that enjoyed but the Title of *Speculabiles*, though Inferiour to *Illustrious* Persons, and therefore such as had arrived at this Quality of *Comites*, were in place above other *Duces*, although afterwards, when these Titles came to the *Feudal*, (as we shall see hereafter) the *Duke* became more Honourable than the *Count*. At what time the *Notitia* of the Empire was composed, there were only two of these *Comitates Rei Militaris* in the *East*; viz. of *Egypt* and *Ispania*; the rest were called *Duces*, and were thirteen in number. In the times a little before the *Notitia*, here seems to have been in this Island but one, who Executed the Offices of both, with the Title of *Dux Britanniarum*, besides one styled *Comes Trajectus Maritimi*; the same person, with him who afterwards was called *Comes Littoris Saxonici*. But in the time of *Constantine* are expressed besides this *Comes Littoris Saxonici*, (who was Admiral at that time, and ordained against the Maritime Incursions of the *Saxons*) both a *Comes* and a *Dux of Britain*. From the Ensigns of the *Dux* his Authority (Images and Names of Towns situate toward the North) it appears, that his Jurisdiction lay toward the Inner parts of the Island, and upon the Northern Frontiers of the *Roman* pale; and consequently the Government of the *Comes Britanniarum* was chiefly in the Southern Parts: I say Chiefly, for that indeed it appears from his Ensigns (which was the whole Island, and a Building representing the Capital City) and the placing of the whole Province in the *Notitia* under his Disposition; That all that part of *Britain* which the *Romans* held, was generally under his Care; and the Government of the *Dux* was rather added for Assistance to him. As for the Forces here maintain'd by the *Romans* under these Officers, the *Comes Britanniarum* had under his Command MMM Foot, and DC Horse: The *Comes Littoris Saxonici* MMCC Foot, and CC Horse, and the *Dux XIVM* Foot and DCCC Horse, which reckoned with those of the two *Comites*, make up XIXMCC Foot, and MDCC Horse. This in particular of our own Island. As for the other Provinces of the *West*, we must add, that there were four other Military *Comites*, and X *Duces*, appointed for Defence of their Frontiers. The *Comites* were of *Italy*, *Africa*, *Tungitana*, and *Trajectus Argentoratensis*, or the Parts about *Strasbourg*. The *Duces* were of *Mauritania Caesariensis*, the *Tripolitani*, *Pannonia Secunda*, *Valeria Ripensis*, *Pannonia Prima*, *Noricum Ripense*, *Rætia Prima*, & *Secunda* (the form of whose Commission *Cassiodorus* hath Exemplified amongst his *Formule*) *Sepanumque Arvernorum*, *Belgica Secunda*, *Germania Prima*, and of the Parts about *Mentz*.

41. The Powers Exercis'd by *Comes* and *Dux* were of the same nature; though, as it seems from what we have lately hinted concerning *Britain*, with some subordination. Both of them had Cognizance of the Matters of Souldiers, having the same Command throughout their Districts, as the *Tribunes of Legions* were wont to have over Military Men: and if *Comites*, they animadverted upon them in the room of the *Magistri Militum*. In the time of the *Notitia* they had the liberty of Lifting their own Souldiers; but *Zeno* the Emperour afterward would have this Privilege null'd, and the Admission of their Souldiers belong to the Prince alone, and perhaps with very good reason. These *Duces* were not made for a time, as other Officers and Magistrates, their Offices being in perpetuum. They wore red or purple Coats, were Girt with the Military Girdle, and they alone had Armed Men standing at their backs, when at Meals. For their Expense they had large Allowance. The Prince, when he wrote to them, used these Expressions: *Experientia tua*, *Laudabilis*, or *Gravitas vestra*. The Degree of *Comites*, as we said, were higher in place, yet both were of the same proportionally alike. Their Ensigns and Officers were almost in every thing proportionally alike. The Officers of both (as the *Principes*, *Commentariensis*, *Cornicularius*, *Regendarius*, and the rest formerly mentioned, as belonging to other Powers) had

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In so many

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Sect. 2.

Sect. 2.

By whom Judged.

Magistri Militum.

Legiones.

Legions,

what.

had their Places bestowed on them by the Prince, taking their Patents out of the Office called *Scrinium Libellorum*. At first there lay Appeals from these *Duces* and *Comites* to the *Præfeti Pretorio*, and the *Questor* of the Palace; but *Justinian*, by a Constitution, Ordain'd, that thenceforth it should be to the *Magister Officiorum*, and the said *Questor*. And by the *Magister Officiorum* they themselves were Judged, except where Custom otherwise prevail'd; as in the Limits of the *East*, *Illyricum*, and the *Thrace*, where they were Convented before the *Magister Militum*; as also in the *West*, where the *Duces* and *Comites Limitanei* were subject to the *Magistri Militum Præfentales*, concerning whom, and other *Magistri*, it's necessary that we now speak.

42. *Augustus*, as we formerly related, wrote a Breviary of the Empire with his own hand; in the first part whereof he described the *Militia*; as what Forces were on Foot, and what Fleets were to be found in every place. These Matters being Recorded in certain Tables called *Liberula*, were afterward Transcrib'd into the *Notitia* of the Empire; as by these Tables appear'd, at first were sent to the Government of the Souldiers certain Lieutenants of the Prince, called *Consulares*, either from *Consular* Ornaments, or because they were Chosen from amongst such as had born that Office and Dignity. To these Lieutenants Succeeded others by the Names of *Magistri Militum*, though uncertain by whose Ordination, but such were called *Magistri*, as to whom the Care of some Buifness of Consequence was especially committed, and their Authority was termed *Magisteria Potestas*. But whereas the *Præfeti Pretorio* had this included in their Extravagant Power, to Order, Censure, and Punish Souldiers and their Officers; *Constantine* taking away most of their Command, Ordained two *Magistri Militum*, the one of Horse and the other of Foot, to have full Authority over Military Men, as *Zosimus* writes; which in the *West* was constantly observ'd. Indeed in the *East*, for the more vigorous Resistance of the Inroads of the Barbarous Nations, *Theodosius* the Elder Created more of these Officers, who were presently reduced to the number of five; but in the *West* two still remained, the one of Horse, the other of Foot; who living in the Court, or Prefence of the Prince, were called *Magistri Militum in Præfenti*, or *Præfentales*. These *Magistri* had well nigh the same Power over Souldiers, as the *Præfeti Pretorio* over the Provincials. They Heard and Determined both their Civil and Criminal Matters. Such as Commanded Arms in their stead could only Sentence Common Souldiers, not *Tribunes* nor *Centurions*. The Emperours in their Letters usually saluted them with *Insignis Autoritas tua*, or *Præclara*, or *Illustri Magnificencia tua*, or *Magnitudo*, *Gloria tua*, or the like. The Ensigns of a *Magister Militum* in the *East*, were, a Book of Mandates set on a Table covered with furs, and a white Carpet (several Copies have different colours of Book and Carpet) and on a Golden Plate the Faces of the Princes; underneath the Arms and Names of several Regiments Commanded by him. The five *Magistri Militum* in the *East* distinguished by the *Notitia*, Commanded both Horse and Foot, though it was otherwise in the *West*. Of them, two were in *Præfenti*, or Resided at Court; another in the *East*, strictly so called; a fourth in *Thrace*, and a fifth in *Illyricum*; and who Commanded LXX Companies (XLI Companies (*Vexillationes*) of Horse, XLI Auxiliary Bands (*Auxilia*) and XII Fleets. How many of each severally, the *Pascalium* in Comment. in Not. utramque G. 31.

43. But to the *Militia* it self it's very convenient that we say something: and first of a *Legion*, which had the greatest both Name and Number of all those several Bands or Parties of which it consisted. A *Legion* was so called, as *Varro* tells us, a *legendo* *Milites*, from gathering up the Souldiers Man by Man, as they were Lifted; and contained six thousand Foot, and DCCXXXVI Horse, as *Varro* de Ling. Lat. lib. 4. *Vegetius* observes, though indeed we may find sometimes a greater, and sometimes a lesser number. It was divided into ten *Cohorts*, of which the first was called *Miliaria*, excelling the rest in Riches, Birth, Skill and Valour, and was accompanied by the Eagle (the Standard of the *Romans*) and the Faces of the Princes. Of Footmen it contained MCV, besides CXXXVI Horsemen Arm'd, the rest had each CLV Foot, and LXVI Horse, arm'd with Corselets in the same manner. Hereupon they were all called *Quingenaria Cohortes*; except the Fourth and Seventh which contained DC Foot: but the *Legions* thus framed were so ordered by *Marinus*; whereas before his time, they consisted of MMMM a piece, and hence were termed *Quadrata*. The *Consuls* of old were wont with two *Legions* to wage War, and with such *Auxiliaries* as were found requisite

A.D.

337.

Sic Magistri

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to be added to them. He that gave both such Names and Number to the *Legions* A. D. as stuck by them, was *Julius Cæsar*, who with ten *Legions* in nine years subdued Gall, and according to the Order and Time of their raising, named them First, Second, Third, &c. which custom continued; but his best beloved was the *De-* 337. *cimana*, or Tenth, which had shewn most Affection to him. To other *Legions* Names were added upon Occasion; as, that which with the Fourth revolted from *Pompey* to *Cæsar* was by him called *Martia*, for the Reputation it had of Courage. To another he gave the Name of (a) *Alauda*, because the Soldiers thereof wore Helmets crested, like the head of a Lark, or from the *Auspicious* of that Bird, as *Cicero* will have it. *Augustus* having obtained the Monarchy, kept in Pay twenty three *Legions*, or as some say twenty five, as (b) *Dion Cassius* tells us; adding withal, that in his time but nineteen remained; the Names of which he sets down, and observes, that the rest were either disbanded, or by *Augustus* himself or other succeeding Emperours mixed with other *Legions*; whence the name of *Gemelle*, given to some of them was thought to proceed. If the Reader please to know the Names of all the rest, which by other Emperours were raised till the time of *Dio*; he may further have a view of them in that Historian: but the Number of the *Legions*, as the Names, were changed according to the Pleasure of Princes, or Exigency of Affairs.

44. Some of the *Legionary* Soldiers were ancient men, and bare heavy Armour, as of old the *Macedonians*, viz. round Targets, and *Sarisse*, or long Lances. Others were young Men called *Velites*, who neither using Breast-plates, nor Bows, nor Targets, cast Missile Weapons apart off, or Stones, either with their Hands, or Slings, in *Legions* called *Pilani*, and out of *Legions*, *Auxilia*; being then procur'd by the *Romans* from their Friends and neighbouring Nations; and least reckoning being made of them, they were most expoid to Danger, and placed in the Front. There were a third sort amongst the *Legionary* Soldiers, they called *Peltati*, of greater Age than the *Velites*, and so called from a light and small Shield, which they used in Fight, together with a shorter sort of Lance, from which the *Romans* more Ancient named them *Hastati*, and those still more modern *Lancearii*. Lastly, there were others, which being most remarkable both for Age, Strength, and Experience, had the Honour to be call'd *Principes*; of which the first was called *Primus Princeps*, the next *Secundus Princeps*, *Tertius*, *Quartus*, &c. accordingly, as there were *Primus*, *Secundus*, and *Tertius Hastatus*, and *Centurio Primipili*, and *Centurio Primi Hastati*; and amongst the *Triarii*, *Primipilus*, *Secundus*, *Tertius*: and from those who were termed *Principes*, were the Heads, or Chief of the Officials, or Officers belonging to the *Præfidents*, and other Magistrates, which we have already mentioned, styled also *Principes*, for that there was amongst the said Officers or Attendants, a few or likeness of the *Militia*. In general, it is to be noted that Anciently none could be admitted a Soldier, that was not of the stature of five Foot and seven Inches, which *Valentinian* in a Constitution (which shall be mentioned in its place) affirms to have been the Custom observ'd from the Founding of the City. And therefore, when *Lampadius* writes, that *Alexander* the Emperour was of the Military size, he is to be understood according to this Measure. For what more might he said of the *Legions*, as to their Number or Names, the Reader may consult *Pancirolius*, who has Exhibited them as he found them Engraven in an old Marble Stone at *Rome*; to which Catalogue he hath added another Table, whence it appears, both at what time, and by whom each of them was raised.

45. From them we shall pass to their Officers; and first take notice, that of old he that had the Command of a *Legion* was called a *Tribune*, and the Principal Officers of the Wings of Horse, a *Præfext*. To which Places *Augustus* preferred young Senators. But in the time of the *Notitia*, and afterwards, we ordinarily meet with *Præfexts* of *Legions* and Fleets, and *Tribunes* of *Cohorts*; yet so as that Name of *Tribune* did still also continue in the former sense, and by *Præfexts* of *Legions* are principally to be understood the Greater sort of *Tribunes*, so named to distinguish them from such as Commanded but a *Cohort* of the *Legion*, or D Foot, and by degrees were Promoted. These Greater Officers heard and determined the civil Controversies of their Soldiers, and did lightly also punish them, so far as to Beating, (as one of them commanded *St. Paul* to be used) but could not pass any Capital Sentence, except in the absence of the *Magister Militum*, or other Superior Officer, whose *Vicars* they were called for this reason, and might Punish as well as they, if they were *Comites* of the first Rank. The Care of Arms and Cloaths for the Soldiers, as well as Discipline, belonged unto them. Other *Tribunes*, which

which had not arrived at that Honour, might Determine the Matters of their Men, and Punish them moderately; but their Authority extended not to Life. The *Tribunes* could give leave to their Soldiers to be absent, but not in time of Expedition or Service, upon Pain of Death. The Higher Sort received their Commissions from the Prince. The Inferiour sort of *Tribunes*, being Ten in number, because so many *Cohorts* in a *Legion*, were promoted by Succession, as others died, or were removed to Higher Places. After their Example, the Ten *Notaries*, who, under the *Primicerius*, handled the Matters of the greater *Laterculum*, were called *Tribunes*; for they had under them Inferiour Clerks or *Scriniarii*, as these *Tribunes* other Inferiour Officers: whereupon this was termed the *Literata Militia*, because it imitated the *Armata*.

46. Next after a *Legion* follows that, which, in those days they called *Vexillatio*, and it received its name from the Banner or *Vexillum*, the Diminutive of *Vellum*, a square Banner-Roll, used by Emperours and other Generals. These *Vexilla* belonged both to Horse and Foot, being used by the *Romans* as well as the Ensigns, or *Signa*: But to fetch these things higher, *Romulus* for his Ensign or Colour, used only Bundles of Hay tied to the tops of Spears; so humble in all respects were the Beginnings of the *Roman Greatness*. Afterward they had the Eagle, Wolf, Minotaur, and Boar, which were borne before, and in the Army, till such time as *Marius* in his second *Civilship* appointed the Eagle for the whole *Legion*, and then the Images of other Creatures became the *Signa* of *Cohorts*, to which were added a *Dragon*, and an Hand, and at length a Ball or Globe, by *Augustus*, to signify that the World was subject to the *Roman Empire*. The Eagle at first was of Silver, and being set in a kind of Box or Case, was fixed to a long Spear or Pole, but afterward, when *Rome* had got the Wealth, as well as the Sovereignty of the World, it turned to Gold, and, as the Armour-bearer of *Jupiter*, held a Thunder-bolt in its Feet; so that it may seem something Strange, that the *Romans* appointing this Bird to so masculine an Employment, should in their Language subject both Sexes of it to the Feminine Gender. But to our Business, *Vexillatio* is here taken for a Troop, *Turma*, or *Cuneus* of Horse-men fighting under one *Vexillum*, whereon was exprest what Troop it was, of what *Cohort* or *Century*, together with the Prince his Name, and probably his Image; but *Constantine* caused therein to be infered a Representation of the Cross, which at the time of his Conversion, he saw in the Air, and now came up the word *Labarum*. A *Vexillatio* in a *Legion* contained thirty two Horse, commanded by a *Ducur*, out of a *Legion*, sometimes three hundred, less or more. An *Ala* of Horse contained also about three hundred men, and seems divided into those Parties called *Turme*, as *Vexillatio* into the other they named *Cunei*. Now of Horse-men some were *Cataphrati*, who being armed themselves throughout, used also armed Horses; others were of light Armour, as *Hastati* or *Contati*, who fought *Cominus*, with Pikes, or Lances; and such as besides Launces made use of Targets, and were called *Scutarii*; and others went under the Name of *Ferentarii*, who fought *Eminus*; and these were, either the *Scythe* or *Sagittarii*, who fought with Bows and Arrows, as our Archers or *Tarentini*, that used Darts. And such of them as having discharged all their *Missilia*, came afterwards to Hand-froakes, were called *Jaculatores*. The whole *Ala* was commanded by a *Tribune*, who as appears from *Capitolinus*, had sometime also the Name of *Sevir*; and so much of the *Vexillatio*.

47. To add a little concerning the *Auxilia*; there was this difference between them and the *Legions* at first, that *Legions* consisted of *Roman* Citizens only; *Auxilia* of Friends or Allies, and were joyned as *Leves Armaturæ* to the *Legions*. But after that the Sovereign Power was transferred upon the Prince, *Legions* were also raised out of Allies and Confederates. A *Legion* had its several Officers, Superior and Subordinate, together with its several Companies and Ensigns. An *Auxilium* was Commanded by one *Tribune*, or *Phylarcha*, alone, and consisted of M, or more, ordinary *Gregarius* Soldiers, and was (as it seemeth) from his Constitutions by *Justinian* called *Optio*, though *Optiones* were also particular Persons. But thus much of these several sorts of Soldiers; of whom the Reader must farther observe, that at what time *Constantine* Constituted three Ranks of *Comites*, there were also Ordained three Orders or Ranks of Soldiers, with new Names or Titles. For all standing Companies, as well of Horse as Foot, were distinguished into *Palatini*, *Comitatenses*, and *Pseudo-Comitatenses*. The *Palatini* were such as had obtained the Honour to be of the Guard to the Prince his Palace, and in this respect were in greater Esteem than the rest. The *Comitatenses* were so named from the *Comitatus*, or Company of the Prince, and having succeeded the *Prætorians*, were



Variaŕum. Lib. 6:  
C. 6.

SECT. 2.  
Schole what.

51. Of the *Schole* or Companies about the Court, it's requisite we say something; for a distinct Knowledge of those several forts which bore Arms under the Emperor. This word *Schola* (more frequently it's *Schola* in the Plural Number, as *Festus* only hath it) was much used in those Times to signify a Body, Company or Society. And *Gregory of Tours*, the Bishop and Historian, by it signifies an whole Household; but here it is taken for a whole Rank, Order or Company of the Emperor's Guards, who (most of them) bore Arms for his Defence: but were neither *Legiones*, *Cohorts*, *Vexillations*, nor *Auxilia*. There were of these *Scholars*, sometimes divided into nine *Scholes*, about MMD Choise Men, *Ar-tur*, *Lib. 10. c. 26.* *menians* at first, to which afterward MM more were added by *Justinian*, and called *Supernumeraries*, who (besides the *Agentes in Rebus* here reckoned, who were not Fighting Men, no more than another Company called *Silentiarii*) were for Protection of the Prince his Person. Great Care was had, who were admitted into these *Scholes*, till *Zeno* the Emperor first broke the Custom, by giving way to Idle and Effeminate Persons. Afterward *Justinian* (if we give credit to that secret History, which goes under the name of *Procopius*) sold these Places, and having filled up the number, added the two thousand *Supernumeraries*, to whom he gave no Pay. To be sure none could be admitted without the Emperor's Approbation; and therefore their Names were Inrolled in the Offices belonging to the Greater *Lateranum*; and the List called over, and renewed every four Months, at what time such as came in, received their Patents from those Notaries, written by them, and subscribed by the Prince. They were not permitted to hire any Grounds, lest they should be diverted from their Attendance. Each *Schola* had its *Comes* for its Chiefest Officer, of the Dignity of *Speciabilis*, and under him others Inferior, as the *Primicerius*, who had also the Title of a Tribune, and was *Speciabilis* too; The *Secundocerus* and other Nine, who succeeded by times, and with him were of the Degree of *Clarissimi*. As for the Names of the Eight particular *Scholes*, the *Scutarii* seem to named from their Targets, which they especially used in Defence of the Emperor's Person; and to have been first Raised by *Constantine*, who assigned Bread, both to them and the *Chibanarii*. The *Gentiles* were raised out of Barbarous Nations, not yet converted to Christianity. The *Scutarii Sagittarii* were Armed *Cap à pie*, and used Bows and Arrows. The *Scutarii Chibanarii* were *Cataphracts*, both they and their Horses being Armed, and seem also first Instituted by *Constantine*. The *Armatura* were such as used solid Armour. For *Ælian* distinguisheth Footmen into the three several sorts of *Armatura*, *Velites* and *Peltati*. Here is well added *Juniorum*; for the *Armatura Seniorum* served in the *Wells*, in the *Notitia* whereof only six *Schole* are mentioned.

Eight several  
Schole.

That of the Agents  
in Rebus.

Their Name and  
Duty.

But the Eighth and last *Schola*, was that of the *Agentes in Rebus*, of which more is to be said, as of that which is more remarkable, and of a different Nature from the rest. These *Agentes* were, till the time of *Constantine* called *Frumentarii*, and were the Messengers of the Prince sent, as occasion served, upon several Errands into the Provinces. Probable it is, that they took their first form from the Resemblance that their Employment bore to that of the *Frumentarii* of the *Legions*: for as they went up and down the Country, to gather Corn or Forage for the Army; so they bestowed themselves throughout the Provinces, to give an account to the Emperor how matters stood therein, and to signify his Pleasure and Commands to such, as to whom they were directed. Afterwards from Executing the Prince his Orders they got that of *Agentes in Rebus*: For upon many Errands were they sent: as to hasten the Payment of the Publick Revenue, to cause Armies to March, to fetch any Publick Records, to carry Letters from the Emperor to the Magistrates, and Answers from the Magistrates to him. So great were their Labours and Watches in this, and other kinds, that they alone seemed to undergo the Toil of the Publick Service; and as such, and so necessary and serviceable they are owned in several Laws. Amongst them there were five Degrees; the Scope and Reward whereof was, that of those they called *Principes* or *Primates* of the Officers of the *Præfidi Prætorio*, of the Governour of a Province, or the Greater sort of Magistrates; to which

A. D.

337.

*Innotat accepto Ex-  
peditum omnem  
solent Decessoria  
[sic] obsequio, Sy-  
nos de genere suo  
Excepitque de-  
mus distulit pro-  
Ar-tur, Lib. 10. c. 26.*

*Scutarii, Equites;  
Scutarii Pedes;*

*De Agentibus in  
Rebus vide Tit.  
27. c. 28. Lib. 6.  
Cod. Tit. & Tit. 20.  
& 21. Lib. 12.  
Cod. Justin. &  
omnes Versatili  
Gothofredi d.  
Tit. 27. Cod. Tit.  
De his etiam tractat  
Aurelius Victor  
in Diocletiano, &  
Ammianus passim;  
[sic] Vitorius hoc  
negra p[er]tinet. In Re-  
bus, id est, in ne-  
gatis Publicis ex-  
pendiis.*

SECT. 2.

Their Privi-  
leges.

which they arrived, as the reward of their Labours, after great Fatigue and Trouble, and often not without great peril of their Lives: But having obtained this Honour, their Dignity and Privileges were great and many. For they were *Senators*, and having formerly had precedence allow'd them before *Rationales*, and with *Consulares*; they were joynd with Vicars, and at length made equal to *Proconsuls*. Yet, being reckoned amongst *Senators*, they were free from the Duties of such, as the *Globalis Functio*, and at their Promotion might put their Sons or Brothers into their places of *Agentes*. The first Degree; and from which they arose, was that of the *Ducenarii*, the second were the *Centenarii*; the third the *Biarchæ*; the fourth the *Circitores*; and the fifth the *Equites*, which was the first step to preferment; all the ordinary sort being known by the general term of *Tyrones*; as the other distinctions were taken from the several distinct Titles and Offices of the *Militaria*, or first *Cohort* of a *Legion*. They all enjoyed various Privileges. As it was a part of their care to see that none made use of the *Carus Publicus* without leave obtained; so because of their continual Travel, the convenience thereof was allowed them, by the Prince or *Magister Officiorum*: They were free from Burthens and Employments in Cities, if they had served a certain number of years. They were not forced to be *Navigularii*, except their Birth compelled them, or that they had Lands that were burthened with that service. And the Privileges of Souldiers they also enjoyed, as they used the Military Habit; if found Criminal, they were judged according to their desert, by the *Magister Officiorum*.

The Schole of  
the Silentiarii.

52. There was besides these another *Schola*, which though set by the *Notitia* under the Direction of the *Præpositus Cubiculis*; yet was also judged by this *Magister*; and therefore having purposely omitted it, we shall here take notice of it with some remarks. And this is that of the *Silentiarii*. They were so called, not because they were *Secretaries* to the Prince, as some imagined, but from *Silence*, which it was their Task to procure in the Court; and for this end they waited before the Emperor's Chamber, when he was in *Confistory*, or late in *Council*; and that before the second *Velum*, or Hanging. For there were two of these Hangings or Curtains, at the first whereof Petitioners, or such as had any Business at the *Confistory*, gave notice of their Attendance; and the second was before the Prince his Chamber, and near the *Confistory* which from this Silence got to be called *Silentium*, or *Silentiarium*, and not only it, but the Debate it self which therein was held. Watching before the Emperor's Chamber, it's supposed, they bore Arms, and so were a sort of the *Armed Palatine Militia*; in which respect they enjoyed the Privilege of the *Cæstrense Peculium*; and being so near to his Person, they were by him sent and Employed upon sundry Affairs. Particularly is found, that when Persons of Note, upon Notable occasions have been sent for up to Court, they were the Messengers: though sometimes it might exceed, yet the first and appointed Number of them was *Thirty*, which being divided into three Parties, each of these Parties had its *Decurio* or Officer; who as he presided over them, so it was his Charge to look to the Marshalling of the Train of the Emperor or Empress, when they went abroad. These *Decuriones* had Great Privileges conferred on them by several Princes. By *Theodosius* the Elder they had place given them with *Exduces*, because indeed they were a kind of such, and reckoned among the *Senatores Adlecti*, or such as had the Honour and Dignity of *Senators*, but were free from the Burthens and Impositions laid upon that Order; which Privilege *Theodosius* his Grandson afterward extended to the *Silentiarii*, after they had served diligently their full time, or thirteen years. These Burthens were the *Globalis Collatio* formerly spoken to, and that of the *Pretorship*; and besides, they were also excused from the *Metatus*, as it was called, or Quartering of Souldiers, or others upon publick Employment, though *Illustrious* Persons, who in this respect had more indulged to them, than was permitted to their Inferiours. But the Emperor appropriates these Privileges to the *Thirty Silentiarii*, and their three *Decuriones*, denying them to *Supernumeraries*, in case there should be any. Long after *Justinian* (or rather *Tribonian*) increased the Dignity of the *Decuriones*, when their Term was expired, by conferring on them the Dignity of a *Magister Officiorum*, or *Comes Domesticorum*, so that whereas formerly they were of the Degree of *Clarissimi*, and then *Speciabilis*, by this means they became *Illustres*.

Measures their  
work.

54. Now to come to such other Officers as were more directly under the Command of the *Magister Officiorum*, & leave the rest to their more proper places. The *Notitia* presents us with the *Mensores* and *Lampadarii*; the *Mensores*, often also called *Metatores*, were

A. D.

337.

*De Silentiariis  
vide Tit. 23.  
Lib. 6. Cod.  
Theod. de  
Decurionibus  
& Silentiariis,  
& que antea-  
tur ad vestes  
LL. & Pencil-  
tulum in Notis  
orient. cap. 61.  
Sed non multi  
scriptores pos-  
sum ministris,  
inter quos Pro-  
copius, Agellius  
et alii. vide  
Gothofredi.*

*Adlecti sunt  
Imperatores, &  
traces adlecti  
pauca: Ad-  
lecti & immen-  
si et c. LL.  
decent Gothofredi.*







Sect. 2. of Papers supposed to contain the Edicts of Laws published by him in the Emperours name. And this, as the Great Seal or Purse with our *Chancellors* or *Keepers* stood by him when he fate in Court, and, perhaps, was borne before him, as *Pancirolos* guesses; and now it was, that the Acclamations was made of his being the Father of his Country as was usual to the *P. Pretorio*. The *Notitia* saith expressly, that he had no *Officium*, but Affiliants out of the *Scrinia*, or Offices, as he pleased; which *Pancirolos* him abstract. Gathofred. ex 117. de Præf. tit. interprets to have been Twelve *Notaries* out of the *Scrinium Memoriarum*; Seven out of the *Scrinium Epistoliarum*, and as many out of the *Scrinium Libellorum*; which being Twenty six in number, he used in the writing of Rescripts, his Proceedings and Laws; and they had the Title of *Viri Devoti*. Lastly, it is observable, that *Justinian* instituted another sort of *Questors*, to inquire into the Cause of the coming of Countrymen into the City to decide their Matters, and fend them home in the twelfth year of his Reign. But indeed, he rather restored than first introduced these Officers, who also took care, that Solicitors of Law-Suits received not immoderate Fees; and for that purpose had their Apparitors and Affessors.

61. But to the most ancient *Questors* succeeded, in time, the *Comes Sacrarum Largitionum*. *Augustus* in room of them first certain *Procurators* chosen out of the *Libertini*, or *Equestes* into the Provinces; who, gathering the publick Revenue, received a Salary from him, and were styled *Procuratores Augustales*. They decided Causes belonging to the Revenue, and sometimes governed Provinces, if not very large; and of this sort was *Pontius Pilate* in *Judea*, where a *Procurator* was in the room of a *President*. But for management of the publick Treasury at *Rome*, from the time of *Augustus*, down to *Constantine*, there were sometimes *Questors*, most commonly others, who had the Name of *Præfidi Ærarii*; *Constantine*, when he came to the Government, changed the management of the Treasury, by introducing two new sorts of Magistrates, who should order the whole income; whereof the one was called *Comes Largitionum*, and the other *Comes Rerum Privatarum*. This *Pancirolos* ascribes to *Constantine*, although by guess, as we may judge; for the most Learned *Gothofred* affirms, that by all the Laws he cannot find any of these Officers under that Emperor. However, probable enough it is, that he brought them up: for by the *Judiculus* which *Gothofred* gives us of the *Comites Largitionum* mentioned in the *Code of Theodosius*, there is one who executed this Office in the time of his Son *Constantine*, and another during the Reign of *Julian*; as about the same time, others, who bore the place of *Comes Rerum Privatarum*. The *Comes Largitionum* had first his name *Largitionibus*, from the free gifts of the Prince; and held it, when his work was quite altered, as much from what it was then, as the Chief *Treasurer* of a Nation differs from an *Almoner*. Though indeed the Gifts of the *Roman* Emperours were so great and frequent, that the management of them may seem far to surpass the care and trouble of the Revenue of any Nation now in being, which formerly was but a Member of that Empire. And so necessary they were, that *Augustus* in his *Rationarium* of the Empire, or Book which he composed with his own Hand, together with the publick Treasury and other things, wherein the strength of the State consisted; the Fleets, Kingdoms, Provinces, Tributes and Tolls; therein made mention of the *Necessitates* and *Largitiones*; by the former meaning his necessary, by the latter his free and voluntary Expenses.

62. At first the Emperours made use of a Candidate of the *Questorship*, or some other Courtier, who paid such Assignments of Bounty, as they made out of their Privie Purse, till *Alexander Severus* brought in those they called *Ærarii*. These Acts of Bounty were chiefly upon occasion of some publick Rejoycing, and were called *Congiaris*; probably from the carrying of the Money in *Congia* (that sort of Vessels) into the *Forum*. This course to please the People, was much practised by *Augustus*, and after by his Successors imitated, till *Constantine*, as was said, for the distribution of his Bounty, brought in this Officer, who from the *Largitiones* or Gifts, had his name. Before his time the *Congiaris* and Feasting were the usual ways, whereby the Princes carressed the people. In and after his time, they used several other Courses. *Pancirolos* takes notice, that a pound of Gold was wont to be given to the *Altarcha*, that he might not cut down the Cypress Trees, as he was wont, in the Grove of *Daphne*. Ten pounds of Gold were given by *Justinian* out of the Revenue of *Phœnicia* to the *Præmiceris Notariorum*: but a set and solemn sort of Bounty they used on New-years-Day, on which it was the Custom for them to give New-years-Gifts to the *Comites* of the *Consistory*, and others; as with the late Emperours, to present the *Senate* and *Officers* of the Army on *Easter-Day*. Besides these, this *Comes* paid Souldiers and others their Wages; and thence had the Name, not only of *Largitionum*, but *Remunerariorum Comes*. To these were added *Comes Sacri Ærarii*, *Thestaurorum Curator*, or *Præfectus Imperialium Pecuniarum*, *Questor*, and the like; for to him was also committed the care of collecting and keeping the publick Revenue arising by tributes and customs.

Sect. 2. 63. The Révenue by Customs was either greater, or lesser, according to the Covetousness, Occasions, or Humours of the Princes. In the Reign of *Heliogabalus*, the tenth part of the value of Wares was exacted, which *Alexander* reduced to the thirtieth, or little more than three in a hundred; and this gave Occasion to the stamping of half *Aurei*, and the third part of an *Aureus*; all Payments of this Nature being in those days made in Gold. But succeeding Princes would have the eighth part of the Value, or little more than twelve in the hundred. And for Tribute the Subject paid what the Emperour, or *Præfectus Pretorio* demanded, or as the custom of the Countreys was, (as was formerly said) which being in kind was laid up in the publick Store-houses, for the Maintenance of the Armies, and relief of the Poor: but the Money arising from the Customs and Tributes was the charge of the *Comes Largitionum*. The Jews paid a *Didrachm* for every Head, which being imposed in the room of that, which was wont to be paid to the Temple, *Theodosius* commanded to be also received by him, as that Impost called *Capitatio* upon Country-men, was wont to be. Now that this *Comes* might the better discharge so vast an Office, for procurement of the Payment of the Revenue, he sent some of those Officers, or Notaries that attended him, called *Invitendarii*, into all the Provinces, to constrain the *Præsidents*, or Governours to gather, and pay the Money; who for this purpose named one, or two of their own Office, as *Procurators* to attend. Besides there were others called *Traſtatores*, who as *Auditors* took their Accounts; and every four Months sent them up with the Money to the *Comes*.

64. But there were many Officers in the Provinces, which the *Notitia* placeth under his Disposition, or Command. As first, in the five Dioceses of the *East*, so many; who were also styled *Comites Largitionum*, though but of the third Degree or Rank of *Comites*; for they were but *Perfèctissimi*. The Dioceses are in the *Notitia* set down in general, without any Enumeration, or certain Number; but *Pancirolos* will have them six, viz. the known ones; the *East* strictly so called, *Ægypt*, *Aſſiana*, *Pontica*, *Thracia*, and *Macedonia*. Besides these the *Notitia* mentions others called *Comites Commerciorum*, through the *East* and *Ægypt*, through *Mæſia*, *Scythia*, *Pontus* and *Illyricum*. being four in Number, as he computes. These were tradesmen or Overseers of such, who bought up Materials for the Emperour's or Emperess her wearing, as Silk, Wool, Flax, Purple, Skins, or other Materials, and provided Jewels and Pearl, Ointments and Silver. It was their Work also to see, that all Duties were paid by Merchants, for which purpose they had Officers under them, called *Stationarii*, in Places of Traffick: for out of the Customs it was, that Gift-Money and Wages were paid. Moreover, they look'd that no forbidden Commodities, as Gold, Iron, Grinding Stones, Armes, Salt, Corne, Wine, Oyl, or other things were carried out of the Empire to *Barbarians*; whom they neither permitted to traffick in the Empire, nor the Emperour's Subjects in their Territories. Next after these *Comites*, the *Notitia* mentions the *Præfidi Thestaurorum* under Command of the *Comes Largitionum*. These were the Treasurers of every Province, who kept the Money of each *Diſtrict*, and separate from the rest, till it was sent up to him, having received it from the *Decuriones*; for in each City this was the Course of raising Money imposed by way of Tax: There was one *Decurio*, or Alderman chosen out to be Receiver, and accordingly had the name of *Suffceptor*, who received what was required by way of Tax of every one after it was gathered, and paid in to him by the *Ducenarii* and *Sexagenarii* Apparitors, to whom the *Tabularius*, or Clerk so called, gave out the Rolls. The *Suffceptor* gave an *Apocha*, or Acquittance to him that paid him, wherein was expressed the name of the Payor, the sum, the Cause of the Payment, the Day, Month and *Consul*; as in like manner did the *Stationarii*; to those of whom they received the Custom, and then sent away the Money to the *Præsident*, by whom it was not admitted, no more than the other *Thestaurarii*, but in the *Scrinium Epistoliarum*, by Commission signed with the Prince his own Hand; nor without having first given sufficient Caution for their honest Disposition.

65. Next after these *Præfidi Thestaurorum*, is reckoned the *Comes Metallorum* Vide Goth. in L.L. 2. 4. de Metall. et Min. l. 1. l. 10. Tit. 199 who exacted the Portion of Gold due to the Emperour, from such as gathered it, either in Rivers, or Mines, according to the Customs of Places; eight or seven Scruples, or Carads by the year, not in melted Gold, but in the Oar. He is named of *Illyricum*, because there, as in *Macedonia* and the neighbouring Countries, was great plenty of Metals, and there the Emperour had also Mines of his own; the Overseers of which were chosen out of the *Curiales*, or best men

men of the Cities under Command of this *Comes*. After him follows one termed the *Comes*, or *Rationalis Summarum* of *Aegypt*. He was sent into that Country to inquire after those they called *Bona caduca*, *Escheats* or Goods which any other way fell to the Exchequer, having at first no Jurisdiction; but afterwards, there being found Reason to employ him in business of very great Moment, his Dignity increased so, that he obtained the Title of *Comes*, and of *Rationalis Summarum*. For in those days, and long after, till the finding out of the way into the *East-Indies* by Sea, there being a vast Trade driven in *Aegypt* out of *India* and *Arabia*, for Silks, Precious Stones, Pearl and Spices, and thereupon vast Customs arising; it was thought fit to employ such an Officer, and to gain him Respect by such a Title and Character of *Comes*, *Rationalis*, and *Procurator*. It was the Custom for a *Rationalis* to go very well habited, as appears by a Story out of *Ammianus*; how a Barber being sent for, to cut the Hair of *Julian* the Emperour, one came to him so spruce and fine, that he was amazed, and said, I did not fend for a *Rationalis*, but for a Barber. In the *West* there were eleven *Rationales* made in several Provinces; but in the *East* this of *Aegypt* is only mentioned, so that *Pancirolos* concludes, that either something is wanting in the *Notitia*, or else the under-*Comites Largitionum* in the other Provinces supplied their Places.

66. Next follow in the Catalogue of Officers Subject to the Command of the *Comes*, they who went under the Name of *Magistri Linæ* (or *Linthe*) *Vestis*; these were the Overseers of such as wrought in Linnen, for the furnishing of the Court with Necessaries made of that Stuff, which Workmen were of the Quality of those they called *Conditionales*; that is, they and their Children were perpetually obnoxious to this Work and Service. These *Magistri*, both took Care for preparing the several sorts of Linnen, and when made kept a Wardrobe of them, of which the Inventory was preserved in the *Scriniu Sacri Vestiarii*, written by the *Primicerius* of that Office. In the *West*, instead of these *Magistri Linæ Vestis*, there was one that bore the Title of *Comes Vestiarii*, who provided and kept the Linnen as the other did; and by some is reckoned amongst the *Cubicularii*, or those of the Bed-Chamber. After these *Magistri* come the *Magistri Private Vestis*, or Masters of the Privy Robes, who had the charge of providing those that were made of other things than Linnen, as of Silk and Woollen, for the Prince his use. They are also by *Constantine* termed *Procuratores*; and by Reason of the great things in their Charge, were to give Caution before their Admittance. Next follow the *Procuratores Gynæceorum*, so called from the *Gynæcia*, or inward Rooms, where Women as well as others wove Hangings, and other things of Silk, or Gold and Silk together; of which Works these *Procuratores* had the Charge, and gave Caution also at their first Admittance. Those that fewed under them being sometimes Slaves, but however otherwise free Persons, yet condemned (both they and their Posterity) to this Service. The *Procuratores Ephiorum*, or of those Work-houses where Wool or Silk was died, follow next. The Work-houses were many throughout the Empire; but those of most esteem were in *Phœnicia*, for the dying of Purple, the Sale of which was forbidden, it being unlawful for any but the Prince to buy it; and those Dyers were of the sort of *Conditionales* also, being condemned with their Posterity to this Drudgery. Then those the *Notitia* mention the *Procuratores Monetarium*, or those who under our *Comes Largitionum* took Care of the Mints, or coining of Money. In the *West*, as we formerly said, it reckons up six Places that had publick Mints, of which each had it's *Procurator*; but how many were in the *East* it doth not express; though we have formerly taken notice of some Cities, that had this Privilege.

67. Here it will not be inconvenient to say something of the value of the Roman Coin: And first of the lowest sort, or that of Brass. Their *Æs* therefore, or most Ancient Money, was first stamped by *Servius Tullius*, whereas formerly it was distinguished only by Weight, and not by any Image. And first the Image was that of Cattle or *Pecus*, whence it was called *Pecunia*. Afterward, it had on one side the Beak of a Ship, on the other a *Janus*, or double Body, and such were the stamps of the *Æs*: for as for the *Triens*, *Quadrans*, and *Sextans*, they had the Impression of a Boat upon them. A long time did the Romans use this kind, and no other Money, till after the War with *Pyrrhus*, in the CCCCLXXXIII year of the City, and five before the first *Punic* War, *Silver* began to be Coined. The Stamps upon the Silver *Denarii*, or Pennies, are, for the most part Waggons, with two or four Cattle in them, on the one side, and on the other the Head of *Rome*, with an Helmet. The *Victoriat* have the Image of Victory sitting: the *Sestertii* usually *Castor* and *Pollux* on the one side, and both forts, on the other part, the Image of the Ci-

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ty 3 to the Custom continued during the Commonwealth. *Augustus* caused *Capricorn* to be set upon his Coin; and the Succeeding Emperours ordinarily their own Images. Last of all came up Coin of Gold, which was first stamped sixty two years after that of Silver, in the Consulship of *Claudius Nero*, and *M. Livius Salinator*, with the same Stamp and Images; which to our Learned Countrymen *Brevemod* seems to have been the Reason, why Golden Coins are also sometimes termed *Denarii* by the Romans. So much for the Original of the several sorts of Coins; now, more particularly, of the several kinds. First, of the Brass, from this named Author, to whose Discourse nothing is now to be added, except it be this; that the Romans had a greater sort of Money mix'd of Brass and Silver, called *Majorina*, as is observable out of the Code of *Theodosius*.

68. The *As* was so named, *quasi* *Æs*, or Brass, being of that Metal, and at first consisted of a Pound-weight, till in the first *Punic* War, the People being forely oppress'd by Debt, caus'd of one, six to be made, and yet to be of the same value. In the second *Punic* War, *Annibal* forely pressing upon them, in the *Disturbance* of *Fabius Maximus*, they were reduced to one half, or to consist of an ounce apiece; and in conclusion, by the Law of *Papirius*, brought down to half an Ounce, and so continued. Now the *As* contained the tenth part of the *Denarius*; and was in value of our Money *ob. q.* The *Semisse*, or *Semies*, half as much. The *Triens* was the third part of the *As*, and the *Quadrans* the fourth, by some called *Triuncus* and *Terminus*, because it contained three ounces before the value was diminished. The *Sextans*, or sixth part was that which every Head contributed to the Funeral of *Menenius Agrippa*, as the *Unica*, or twelfth part for use, and therefore there were other *Vices* made, as the *Unica*, or twelfth part of the Pound, the *Semuncia*, of the weight of four *Drachms*, and the *Sextula*, or sixth part of an ounce. These were the Coins lesser than the *As*, anciently used by the Romans in their Traffick; but there are greater than the *As* mentioned, (he tells us) by *Varro*, as the *Decussis*, which was of the value of *Ten*, or of a *Denarius*; the *Vicissis*, of two *Denarii*; the *Tredecissis*, of three; and they arose as high as *Centussis*, than which there was no word that contained more of Brass Money. This contained an hundred *Affes*, was worth ten Silver *Denarii*, and of our Money 6 s. 3 d.

69. For the Silver Money, the old *Denarius* was so named, because it contained *denos* *eris* or *asses*, viz. ten *Affes*, though its Weight and value was not at all times alike. For the old Roman *Denarius*, during the Commonwealth, weighed the seventh part of an ounce; and was in value of our Money 8 d. *ob. c.* with  $\frac{1}{2}$  s; but the new *Denarius*, which came up in the time of *Claudius*, or a little before, weighed exactly an Attick *Drachm*; so that the Greek Writers, when they speak of it, for every *Denarius* mention a *Drachm*; which of our Money was of the Value of 7 d. *ob.* Now, with reference to this new sort of *Denarius*, are computations made generally; and if respect be had to the Ancienter Times, when the old, and true one was in use, then are all reckonings to be increased one seventh part; for, so much did the Old exceed the New. Now know, that when you meet with *Bigatus* and *Quadrigatus*, they are the same with a *Denarius*, so called, because it had the *Bigæ* and *Quadrigæ* stamped upon it. There was another Coin called *Victoriat*, from the Image of Victory seen upon it, first stamped at *Rome*, by a Law of *Claudius*, as containing the value of five *Affes*, and was worth it was also called *Quinarus*, as containing the value of five *Affes*, and was worth 3 d. *ob. q.* The next that follows, and which makes most Noise in Books is, the *Sestertius*, so called *quasi* *Sesquiterius*, because it contained two *Affes* and an half, being the half of a *Victoriat*, and the fourth of a *Denarius*. In Writers it's often called absolutely by the name of *Nummus*, because it was in most frequent use, as also *Sestertius Nummus*, being worth of our present Money but 1 d. *ob. q.* The *Obolus* was the sixth part of a *Denarius* (equal to the Attick *Obolus*) and therefore by *Celsus* is called *Sextans*, and equal in value to the *As*, so called as the *Libella* was the tenth part of *Denarius*, and equal in value to the *As*, so called as a little Pound, because supposed to equal a pound of Brass. It was but of our Money worth *ob. q.* The *Semibella*, as if written *Semilibella*, was half this. And lastly, the *Terminus* was the fortieth part of a *Denarius*; so named, because it was worth three ounces of Brass. It was the least Silver-Coin in use with the Romans, at least, that is met with in Books, being as inconceivable in value, as next to nothing.

Golden Coins. 70. To come at last to the Golden Coins; those most Remarkable were the *Aurei* *Denarii*; so styled, because either the same Images were stamped upon them as upon

**Seft. 2.** upon the *Denarii*, or because in bulk they do much resemble them. From such of as Tice hath not Confuted, it appears, that the old *Aureus*, stamped during the Commonwealth, weighed two Silver *Denarii*; so as forty two were made of one Pound of Gold. It weighed two *Drachms* with; and was worth of our Money 17 s. 1 d. ob. q<sup>a</sup>. The Newer *Aureus*, stamped about the beginning of the Emperours, was lighter than the former, one seventh part, weighing two *Drachms*, so as forty eight were made of one Pound of Gold; so that in Weight they equalled one of our Rols-Nobles, being worth about as much, or 15 s. of our present Money. Thus they continued *Didrachmi* for the time of the five first *Cæsars*, till *Nero's* Reign, and then by the Fraud and Avarice of Princes were made lighter, at first, in *Nero's* time, but two or three Granes; then under *Galba* they wanted a little more; and those of *Nerva*, *Trajan* and *Adrian* were made lighter, but the *Aurei* that *Vespasian* stamped, want ten Granes in Weight; as also those of *Antoninus Pius*, *M. Aurelius*, *Severus*, and others. And for *Domitian* it may be said, that he restored to these *Aurei* in his time the full Weight of two *Drachms*. But so the Roman *Aurei* continued, either *Didrachmi* or thereabouts, till the Reign of *Alexander Severus*; and he caused to be Coined the *Semifis*, or *Half-Aureus*, consisting of one *Drachm*, as also the *Tremifis*, or *Triens*, or Third Part; the one being worth 7 s. 6 d. and the other 5 s. of our Money; and so the Mint went till *Aurelian* Reigned; who again returned to the *Aureus* two *Drachms*; and so this Coin continued as long as *Rome* continued to be the Seat of the Empire.

71. *Constantine* the Great brought the Weight of the *Aureus* down in his Mints from two *Drachms* to one, and a seventh part; so that it weighed exactly the weight of the old Silver *Roman Denarius*; for he caused seven to be made of one Ounce, or Eighty four of a Pound; yet Ordering each to consist of four Scruples, as he saith in his Edict, by a new way of Reckoning twenty Granes and a half to a Scruple. This new *Aureus* was after his time, by Greek Writers, called *Numisma*, (as *Solidus* by the Romans, being of our Money in value 8 s. 6 d. ob. q<sup>a</sup> & q<sup>a</sup>.) Such *Aurei* continued in use till the Reign of *Valentinian*, who caused others to be stamped, that were something more heavy; for he Ordered that Six should be made of one Ounce of Gold, whereupon by the Greeks it was called *Hexagion*, and by others *Sextula*. These contained four Ounces of Gold. And such were the *Aurei Solidi* in the time of *Justinian*; and so they seem to have continued till the last; except, when by the Avarice of Princes they have been made lighter, as *Brierwood* upon Trial found in the Coins of several Emperours; but the just Weight was four Scruples, and so they were of the value of our 10 s. There being also stamped by *Valentinian* the *Semifis*, or half of the *Aureus*, the *Triens*, or Third part, and the *Scrupulum*, or fourth part of this *Aureus Solidus*, which abated proportionably in value.

72. To make this Matter compleat, we must add what Silver and Brass-Coins were in use at *Constantinople*, after the Translation of the Empire thither. There was that they called *Miliarium*, which weighed two *Drachms*, being worth the eighth part of an *Aureus Solidus*, and of our present Money 1 s. 3 d. The greater *Siliqua*, or *Cerate*, contained half of the value of this, or 7 d. ob. The *Siliqua*, or *Cerate* *Simplex*, being the twenty fourth part in value of the *Solidus Aureus*, was worth of our present Coin 5 d. These were Silver. Then was there of Brass or Iron-Coin, the *Follis*, so called, because it was beaten out like a Leaf. It was worth the twelfth part of a *Siliqua*. Such were the Roman Coins, the Names of which our *Brierwood* could discover in Antiquity. It remains, that something be said of the Marks of certain Coins, by which they may be known in Ancient Writers, and the Sums by which they usually reckoned. Because the *A* was at first (as hath been said) of a Pound weight, it is thus expressed **L**, and the *Sestertius*, because it contained in value two pounds of Brass and a half, thus **LSS**, or **HS**. The mark of the *Quinarius*, or *Vidoriatus* was **A**, and of the *Denarius* **X** or **Ξ**.

73. Now for the Sums, there were three in use amongst the Romans. First, *Sestertium*, in the Neuter Gender, according to the Vulgar Opinion, which contained a thousand *Sestertii*; so much as in the time of *Augustus* it was lawful to spend at a Wedding-Feast. The next was the *Libra*, or Pound, which contained of Silver twelve Ounces, or ninety six *Drachms*, or later *Denarii*, and was worth of our Money 3 l. The third was the *Talent*, which contained twenty four *Sestertia*, and six thousand later *Denarii*, being the same with the *Attique Talent*. For, the Names of

Numisma.  
Aureus Solidus.

Silver and  
Brass-Coins at  
Constantinople.

Sums of Mo-  
ney.

**Seft. 2.** of *Talent*, *Mina*, and *Drachm*, the Romans took from the Greeks, as those from them the other of *Libra* and *Uncia*. This was worth of our present Money 187 l. 10 s. There often occurs also the mention of *Spartia*, which was of the value of ten *Sesterces*, and 1 s. 6 d. ob. q<sup>a</sup>. These were the Sums by which they reckoned. But, as for the *Sestertium* in the Neuter Gender, Mr. *Brierwood* observes, that it's not to be found in any Ancient Author in the Singular Number, as now it is used. And the reason brought why it should be termed *Sestertium*, because it contained two Pounds of Silver and a half, is not good; for a thousand *Sesterces* make up 7 l. 16 s. 3 d. whereas the two Pounds and a half amount but to 7 l. 10 s. But the Plural Number *Sestertia* is often met with, and in this sense, as containing a thousand *Sestertii*. However, in reckoning by *Sesterces*, the Romans had an Art, which may be known by these three Rules. The first is, that if a Numeral Number agree in Case, Number and Gender with *Sestertium*, then it denotes precisely so many *Sestertii*, as *Decem Sestertii*, just so many. The second is this; If a Numeral Noun of another Case be joyned with the Genitive Plural of *Sestertii*, as *Sestertiis*, it denotes so many thousand; as for Example, *Decem Sestertiis* signifies ten thousand *Sestertii*. Lastly, If the Adverb Numeral be joyned, it denotes so many hundred thousand, as *Decies Sestertiis* signifies ten hundred thousand *Sesterces*; or if the Adverb Numeral be put by it self, it is of the same signification, as *Decies*, or *Vigies*, for many hundred thousand *Sestertii*, or, as they say, an hundred *Sestertia*. It's eafie to fee here in Reading Authors very Learned Men have been mistaken, for want either of Knowing or Observing these Rules. But thus much of the Roman Coins, from the Learned *Brierwood*, to which, upon occasion something may be added. Now to return.

74. Next to the *Procuratores Monetarium* (under whom such as wrought were also, with their Wives and Children obnoxious ever to that Service.) The *Notitia* mentions the *Prepositi Basilicorum*, as also obedient to the *Comes Largitionum*. By *Basilica*, or *Basilagium* is meant a Duty of Conveyance, or carriage of things belonging to the Publick, or to the Prince. Of such as were obnoxious to this Service, some Discharged it by Water, as the *Naucularii*, of whom heretofore, and some by Land, by Mules or Horses. The *Terziocerus*, of the Office of this *Magister*, gave order for the *Basilage*, of which each had its *Prepositus*, or Overseer. The last sort of Officers under Command of the *Comes Largitionum*, mentioned by the *Notitia*, are the *Procuratores Linificiorum*, whose Duty it was to procure Flax for the Service of the Prince and Court, as it was the Task of the *Magistri Lince Vestis*, to get it Cleaned, Wrought, and made up into such Cloths or other things as use required. All those Officers were obedient to the Command of the *Comes*, but had distinct Charges of their own, not being his Attendants, or his Servants. But he had an *Officium*, or number of Attendants, being Secretaries or Clerks, who took the Accounts of those forementioned Persons. Those wrote in ten several *Scrinia* or Offices, and were termed the *Militia Literata*, and *Palatini*, because they lived in the Prince his Palace, being Excused from Sordid Employments, and the finding of Souldiers. The which *Officium*, or Attendance had its *Primicerius*; there were also the *Secundo-cerus*, *Terziocerus*, and *Quartocerus*; and each *Scrinium*, or particular Chamber, had its *Primicerius* also. The *Primicerius* of the whole Attendance, and the three next under him, enjoyed the Dignity of the *Pretorian Tribunes*, being permitted to salute the Prince, and adore the Purple, as they phrased it; nay the *Primicerii* afterwards had the Honour of *Exconsulares*.

75. To omit the Description of the Nature of these several *Serinia*, as also the Arms of this *Comes*, as too tedious, which the Reader, if he please, may find in *Pancirolos*. The next Great Officer, and of the Dignity of *Illustre*, was the *Comes Rerum Privatarum*. The Emperours, very anciently, had such as took care of their Private Estates, or Patrimonies, especially the *Rationals* of *Alexandria*; but *Severus*, after the Overthrow of *Albinus*, Confiscating the Estates of an infinite number of Persons that had taken his part, gave original to this Office, setting one more certain; who in Books goes under many Names and Titles: as *Cæsaris Procurator*, or *Curator*; *Rationalis*, *Procurator Private Rationis*, *Magister Rei Private*, *Rationalis Summe Rei*, *Domus Procurator*, *Comes Rei Domice*, *Imperatoris Domus Prefectus*, *Comes Rerum Privatarum*, *Imperialium Thesaurorum Curator*, *Imperialium Pecuniarum Privatarum Quæstor*, *Comes Illustriæ Rerum Privati*, and others. He of the East had the Charge and Government of all the Prince his Patrimony, or Demesne, especially his Lands in *Asia*, *Pontica*, *Cappadocia*, *Mesopotamia*, *Ophiochia* and other

Three Rules  
about Sestertia.

Prepositi Ba-  
silicorum.

The Comes Ri-  
tum Privata-  
rum.

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Sine  
Dof-  
ine

A Basilica  
Patio.

(a) Vnde etiam  
Notitia Dig-  
nitas Codic-  
is Theodofici.  
(b) Continua  
Privatarum, f-  
est Notitia q-  
bus statuitur  
c. Proculum per  
Notitiam  
Curam quo-  
dam Principum  
Privatam  
Præf. Gaius  
hæc substanti-  
am.  
(c) Callistratus  
var. lib. 6.  
c. 8. Vnde Pan-  
dectum in Not.  
et Not. Cels.  
Theodofici in  
other  
hoc Comiti.

Sec. 2. other Regions; together with the Parks, those Lands called *Emphyteuticæ Prædia*, the Husbandmen, the Flocks, Herds, and other things. For the better Discharge whereof, he had Command over the *Presidents* of the Provinces, and ordered all the private Accounts. Most anciently he that discharged this Employment was but of *Equiftrian* Dignity; sometimes but a *Libertus*. Before they arrived at the Dignity of *Comites*, they judged only Slaves, Vilains, and such as belonged to the Lands of the Emperor, with his *Bona Emphyteuticæ*, or such things as were brought to the Treasury, and had Power over their own Train or Attendants: But after these *Procuratores* came to be *Comites*, they had Cognifance of Incest; and took Care, that Sepulchres were not violated, as *Cassiodorus* in the *Formula* of this Office gives us to understand. In this Commission the King further tells this *Comes*, that it is his part to direct the *Canonicarii*, or such as gathered the *Canones*, or Payments due from Lands, to call upon the Tenants, and take Cognifance of those Goods, or Estates called *Bona Caduca*. Moreover, that it was his part to recover to the Treasury such Money as was casually found, and owned no private Master. Though the Laws, as *Brassus* observes, gave such Treasure to the Finder.

76. Farther, from Corrupted Judges he recovered the Triple value in Pecuniary Matters, in Capitals their whole Estates. From the *Coborales*, or Officers of Courts, four-fold the Sum they had Exactd of such as went to Law. Publick and Navigable Rivers also seem to have been under his Inspection, because said to be in the Patrimony of the Prince. He paid Artificers their Wages, and for the Family of the Emperor and Empress, he found Provisions; without his knowledge nothing belonging to the Private Estate of the Prince could be Alienated, not so much as by the *Præfidi* of the City. Before him were Tried such Gifts, as were said to be given by the Prince out of Publick Debts, and without him nothing could by Petition be obtain'd. He had under him *Rationales* or *Procuratores*, for gathering of Monies, from whom there lay Appeal to him: and if the Business was not worth so great a Journey, he might Delegate the Governour of the Province to Hear and Determine the Matter. The Treasury which belonged to the *Comes Largitionum* was properly called *Ærarium*; and that wherein this *Comes Rerum Privatarum* kept his Money, was termed his *Arca* or *Coffer*, and also *Fiscus*: although the Terms of *Ærarium* and *Fiscus* be often Confounded, and one taken for the other: Neither doth *Fiscus* signifie all Private Matters belonging to the Prince, not extending to his Lands, but relating to forfeited Estates, or such as fell for want of Heirs, and certain Tolls or Customs. This *Comes* had in his Court a certain number of Advocates, who obtain'd from the Emperor *Anastasius* the Privilege when they left Pleading, to be styled *Clarissimi*, and to be esteemed *Comites* of the first Rank.

77. He also, as we hinted, like as the *Comes Largitionum*, had his *Rationales* or *Procuratores* in all Provinces, to receive all the Estates Consecrate, or any other way appertaining to his Office. In order hereunto, this Course was observ'd: First, He in whose hands such Goods or Estates at present were, was Cited to appear, which if he did within thirty dayes, he was heard; paying to the *Primicerius* of the Office, and to the Advocates, four *Solidi*. In case no man appear'd, the Goods were seized, yet the Interest of the Possessor still saved; so as if he yet came he might still be heard. The *Comes* first declaring, that he challenged the Estate. Then did the *Rationales* inventory the Goods, and seized on them in the Emperor's behalf, which Action they termed *Incorporatio*: and lastly, fixed Bill, or Titles on his Lands, which should give notice of the same. To these *Rationales* also belonged the Care of the Emperor's Houses, the Lands *Patrimoniales* and *Emphyteuticæ*, the Recovery of Treasure found; and if any one sued for any thing belonging to the Prince before any Judge, it ought not to be without the Knowledge and Presence of a *Rationalis*. Next to the *Rationales*, the *Notitia* placeth the *Bagage Private* under the Disposition of this *Comes*: for he commanded those Carriages which conveyed the Private or Patrimonial Matters of the Prince; over which, *Pancirolos* thinks, that as in the *West*, so in the *East* there were two Overseers. There were also under him Overseers of Stables, or places where Cattel were kept; of Flocks and Herds preserved for Breed: as to which *Pancirolos* takes notice, how *Arcadius* the Emperor celebrates two of *Mares*; the one first called *Hermogenie*, and the other *Palmatie*, of which in our following History. There were also the *Procuratores Saltuum*, or of Parks or Pastures, into which their Cattel were sent to feed; these are the Officers mentioned by the *Notitia*, as under the Command of the *Comes*, to which *Pancirolos* and *Gothofred* add others out of the Laws: as the *Comes Sacri Patrimonii*, said by the *Greeks* to have been first

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Vide de hac vi  
luculentam for-  
mulam Caffio-  
dori. Primum tibi  
contra nefarias  
violentias, et  
humani generis  
improbas oppre-  
ssiones, quæ Pa-  
trium Publica  
dextra Collo-  
dia est Or-  
do. Vide quoque  
Commiffa sunt,  
capitula Proven-  
tium et fcar-  
tas Mortuorum.

Officers under him.

Sec. 2. first brought up by *Anastasius*, who had a peculiar Charge of the Lands of the Prince, A. D. and medled with nothing else.

78. There was also a *Comes Stabuli*, who had the Charge of the Emperor's Horses, and of conveying Horses out of *Africa*, and the other Provinces for the Service of the Army; which Custom was at length left off, and Money being more wanting, began, in lieu of Horses to be exactd of those *Africans* at first three and twenty *Aurei*; afterwards twenty only, and after that eighteen, and then fifteen for every Horse; other two *Aurei* were paid to the *Comes Stabuli*, as his Fee, which Custom was abrogated by a Law. There was also under Command of this *Comes Rei Private*, the *Comes Domorum pro Cappadociam*, or the *Comes* that had the Charge of the Emperor's Houses in *Cappadocia*; and besides the *Rationales*, others called *Magistri Rei Private*, and the *Præpositi Gynæcio*. Besides these Officers subordinate and commanded by him, he had, as other great Magistrates, an *Officium*, or Attendance of his own Servants, and more directly under him, who had the various Names of *Apparitores* and *Palatini*, because they wrote in the Palace, besides the *Cæsariani*, *Privatarii* or *Privati*, and *Catholiciani*, to whose Ministry or Under-Service the *Demefie* or *Patrimony* of the Prince, and Estates falling to the *Fiscus* did belong. For of the Revenues that arose from his Lands, and the Charges upon them, and the Sales made of them they took an Account, as also of forfeited Estates, and other Matters relating the same way. Therefore in Case any Cloths, Gold, Silver or Slaves belonged to the Emperor after this manner, these *Palatini* could not buy them, nor chaffer among themselves, left by the Familiarity supposd to be amongst them, and the Friendship thereby contracted, any Partiality might arise, and by that, Detriment to the Prince. And this *Officium* had its *Primicerius* and *Secundocerus*, who had the Charge of the Writings and Accounts. The whole *Officium* was divided into four several *Scrinia*; each of which had its *Primicerius* or *Primicerius*, to whom *Theodosius* the Younger, gave the same Privileges, as those belonging to the *Comes Largitionum* enjoy'd; that they should have the Dignity and Honour of *Exconsulares*. Concerning them, as also the Ensigns of the Office of this *Comes*, which, as of the other *Comes Largitionum*, were, besides the Faces of Princes, Baskers of Coin, and other things suitable to his Office; the Reader may consult, if he please *Pancirolos*, and from *Gothofred* may have an account of such Persons, as from the Laws of *Theodosius* his Code, appear to have executed this Place, as other Catalogues of the great Officers of the Empire.

79. We have at length done with the *Illustris* Officers of the Court, as well as the Country; if we but dispatch two remaining, which were, the *Comes Domesticorum Equitum*, and *Comes Domesticorum Peditum*. Besides the *Vexillations* of Horse, the *Legions* and *Auxilia* of *Palatine* Foot, anciently called *Prætorian*, there were yet also certain Horse and Foot which had as well as they, the Style and Title of *Prætorian*; but more properly and peculiarly were called *Domestick Protectores*, first brought up by *Gordian* the Younger, and by the later *Greek* Emperours called *Spætararii*. They received more pay than others, but never went to the Wars, the Design of them being only to protect the Prince his Person, and be near about him. They were elected out of the seven *Schole* of the *Armenians*; one of this Number was *Ammianus Marcellinus*, the Historian, being *Protector* to the Emperor *Constantinus*; and some write, that *Dioctelian* was *Comes Domesticorum*, at the time of his Election. Amongst these *Domesticks*, the first ten, after the *Primicerius*, were more eminent in Dignity, and received greater Pay than the rest, being of the Title of *Clarissimi*. After the *Comes*, the next was called *Tribunus*, and was of the Degree of *Speñabilis*, whom followed the *Primicerius*, and then the *Secundocerus*; who dying within the year, his Heirs, not only received the Profits of that year, but also, if before his Death he had succeeded as *Primicerius* of that year, they were permitted also to receive that Revenue. Moreover, such as dyed of these *Protectores*, were succeeded by their Sons; who, though not of Age to bear Arms, were admitted to the Pay of four ordinary men. Those fifty that most deserved for their Strength and Piety, next the ten, carried the *Labarum*, or Banner of our Saviour, each in his Turn, and in the Title or Dignity of *Clarissimus* were equal to them, being also styled *Præpositi Labarum*. They were daily in waiting, and every day permitted to salute the Emperor, or as the Phrase was, to *Adore the Purple*; which being their constant Practice, to *Adore the Purple* came to signify as much as to be admitted into their Number; and besides, they were allowed to kiss the Cheek of the *Picars* of the *Præfidi Prætorio*, which to all was not indulged. The Advocates of the *Fiscus* might every year present two to succeed such of these *Domestick* Horse, or Footmen as died, on certain Conditions: for this *Comes* had Fees from them

337.

De Comite Sta-  
buli, vel Sacri  
Stabuli, vide  
notam Notiti-  
æ.  
Dignitatem  
Ced. Theod.  
ubi etiam de  
Gra. et sig. agi-  
tur.

Vide L. ult. de  
Palatini &c.  
Cod. Theod. lib. 6.  
Tit. 30.

Domestici Præ-  
fectores Domestici  
Præfidi sunt  
Præfidi, ut  
Domestici de  
notis Præfidi  
vires distinctis  
nam Domestici  
dignitatem loco  
habitis de Pre-  
fectores præ-  
fidi enim  
Præfidi deli-  
tantes vide  
Comm. Gosto-  
fredi in L. ult.  
de Præfidi  
Lib. 6. Tit. 24.  
Vide Austen-  
tiam Constanti-  
ni lib. 2. C. 8.  
ubi Præfidi deli-  
tantes præ-  
fidi Labarum  
pro Præfidi  
Labarum.

Domestick  
Procuratores,  
and their comites.



8. 2. them in larger measure, and from others that were admitted into these Places. A.D. 337.  
These *Comites Domestici* sometimes supplied the places of the *Magistri Militum*, and were sent against the Barbarians. We had almost set them at the Degree of *Speſtabili*, becauſe in the *Notitia* of the Dignities of the Code of Theodoſius, they are ſo placed; but in the *Notitia* of the Empire they have the Title of *Illuſtris*; and that of the Code, though at firſt it expreſſeth that this *Comes* is ſtyled *Clariffimus*, yet adds, that in other Laws he is joined with *Illuſtrioſus* perſons, as the *Prefectus* and *Magiſtri Militum*, and is ſet before the *Prefectus Cubiculi*, the *Magiſter Officiorum*, the *Queſtor*, *Comes Sacrarum Largitionum*, and *Rei Private*. But in the *Notitia* of the Empire, he is placed after all theſe; although, as the other tells us, he was with them privileged from ſending Soldiers to the Wars. And ſo now we have done (to be ſure) with the *Illuſtrioſus* Perſons, of which *Panciroli* gives you this Catalogue, as to the *Eastern Empire*, viz. three *Prefecti*, two *Prætorii*, and one of the City; fix *Magiſtri*, viz. five *Magiſtri Militum*, and one *Magiſter Officiorum*; four *Comites*; viz. *Largitionum*, *Rei Private*, *Domestici*, *Equitum*, & *Peditum*; one *Prefectus Cubiculi*, and one *Queſtor*; in all fifteen Perſons.

Fifteen Illuſtrioſi Perſons in the Eaſt.

Perſons of the Rank of *Speſtabili*, as,

The *Caſtreſi*.

*Caſtreſiani*.

*Pædagogia*.

80. Of thoſe of the Rank of *Speſtabili*, which follows that of *Illuſtris*, the *Primicerius Sacri Cubiculi* is firſt named in the *Notitia* of the Empire; concerning whom, and the *Decani* under him, who Dressed the Emperour, and ſerved much in the ſame manner as our preſent *Grooms* of the Bed-Chamber, we have already ſpoken. The next in order to him was the *Caſtreſis*, as the ſaid *Notitia* calls him, or the *Comes & Caſtreſis*, or *Comes & Caſtreſis Sacri Palatii*, as the *Notitia* in the Code finds him Cited in the Laws. This Perſon had the overſight of ſuch as Waited on the Prince out of his Chamber in the Palace; ſuch as belonged to his Pantry, Cellar, or his Table. In the days of *Alexander Severus* the Emperour, and before, one of the *Liberti* had the Management of the Prince his Table, by the Name and Title of *Tricliniarcho*, to whom at length ſucceeded this *Comes Caſtreſis*. Such as under him belonged to the Table, were called *Menſæ*, *Menſæ Miniſtri*, *Miniſteriani*, and, as he, *Caſtreſiani*; either becauſe they were wont to live in the Camp with the Emperour, or, as the Souldiers had a ſort of Service in the Camp, ſo thoſe a kind of Attendance, like to that of Camp, in the Court; for thoſe that Attended in the Palace were alſo termed a *Militia*; and more Perſons were ſaid *Militare*, than thoſe that ſerved in the Camp; the word being in a ſenſe transferred both to Palatine and Religious Services. At firſt, they had Diet and other Neceſſaries found them, but this at length was turn'd into Money. The *Pædagogia*, or Pages, Boyes who were Purple *Calige*, or Hofen, the *Notitia* ſets under the Command of this *Comes*. It was his Duty alſo to look to the Buildings, Statues, and Ornaments about the Court; and by his Direction Walls of Cities were Repair'd, Caſtles built, as alſo Places for Adminiſtration of Juſtice: Bearing in his hand a Golden Rod, as the Badge of his Office. He, as Chief Gentleman-Uſher, walked before the Emperour. He might be preſent at Meals, and had the privilege to Adore the Purple. This is the Office, whom the Authors of the *Byzantine* Story commonly call *Eupolates*; and thoſe of later, or the laſt days of the Empire, *Overſeer of the Table*; who uſed the ſame Cap and Veltments with the *Logotheta Generalis*, the Succellor of the *Comes Largitionum*. He had a ſmall *Officium*, or Attendance for keeping Accounts of Diet, and of the Utenſils and Plate belonging to the Tables. Concerning which, ſee *Panciroli*, as alſo his Conjectures concerning the Enſigns of his Office; which yet are not called *Inſignia* in the *Notitia* of the Empire, (as he obſerves) having not this Word ſet above them, as neither above thoſe of *Speſtabili*, nor *Clariffimus*, who follow (as the Book of the *Illuſtrioſus* Perſons have) although their Arms be alſo placed in the Book. The Reaſon (as he thinks) might be this, that when they went abroad, they had them not borne before them, as the *Illuſtrioſus* had, but only drawn in their Commiſſions, or painted in their Court, to put them in mind of their Duty; as the Book of Mandates (or Inſtructions) which was always near the Bench.

The *Primicerius* *Notariorum*.

The greater *Laternarius*, of which he had the Overſight.

81. After him, now next in the *Notitia*, follows he who had the Charge of Regiſtring all the Dignities and Offices in the Book, and this was the *Primicerius Notariorum*. Formerly a Catalogue of all Magiſtrates, Souldiers and Governours was written and kept by one of the Emperour's Free'd men, call'd *Procurator ab Ephemeride*, & a *Mandat*, who moreover gave out Orders to them. Afterwards this Employment was given to *Notaries*, dignified with the Title of *Tribunes*, who regiſtered all that were prefer'd by the Prince to Dignities, in the greater *Laternarium*, which was a Volume that contained the Names of all that enjoyed any civil, or

ſect. 2. or Military Dignity. The Arms of their Offices, and their Salaries, with the Commiſſions granted to Magiſtrates, and the Mandates, or Inſtructions of the Prince, as alſo the ſeveral *Scholes*, and ſuch as ſerved in the *Numeri*; with their Symbols. A.D. 337.  
It had its Name from the reſemblance which in Shape and Figure it bore to a Brick, and indeed, together with the leſſer *Laternulum*, comprehended well nigh all the Dignities mentioned in the *Notitia*; thoſe of the *Largitiones* & *Rei Private* excepted; and certain Places of Magiſtracy regiſtered in the ſeveral Offices of *Memoria*, *Epistolarum* & *Libellorum*. This Book was managed by the *Primicerius Notariorum*, and his Scribes, or Clerks call'd *Tribuni Notarii*, becauſe they equal'd *Tribunes* in Dignity, and from the Notes they uſed in their Writings. Some write they were firſt inſtituted by *Gordian* the Younger. The Fees they receiv'd from Officers for their Commiſſions were very conſiderable, forty or fifty *Aurei*, according to the Rank and Quality of the Place.

Under him *Tribuni Notarii*.

Their Employment.

Three Ranks of them.

The three Magiſtri of ſome by *Scritta*.

82. For they made out Commiſſions to the Magiſtrates of Provinces, and the Cities, and regiſtered their Names, with their Stipends and Allowances; of the *Magiſtri Militum*, together with the *Legions*, *Cohorts*, *Auxilia* and *Vexillationes*; as alſo their Commanders and Pay; thoſe of the *Caſtra* and the Souldiers of the Limits excepted, who belonged to the leſſer *Laternulum*, and the *Scriniarius Memoria*. And beſides theſe, they kept the Names of ſuch as ſerv'd in the ten *Scholes*, of whom many continually going in and out, they were bound, every four Months, to make new Lifts, or Muſter-Rolls; yet the eleventh, or that of the *Agentes in Rebus* was Regiſtered by thoſe of the *Scriniarius Memoria*. The *Primicerius*, who by ſome is ſtyled *Protanotarius*, continued two years in his Office, and was then ſucceeded by his Aſſiſtant, or the *Secundoclericus*, as this by the *Tertioclericus*, and the *Tertioclericus* by him they call'd *Quartoclericus*. The *Primicerius* read, as did the *Proconſul* in the Senate, ſuch Edicts as the Emperours had made, which by a Law of *Theodoſius* ap- pears; and being out of his Office, was graced with the *Senatorial* Dignity, and the Honorary one of *Magiſter Officiorum*, being equal in Place to a *Proconſul*, if he never roſe to the Honorary one of *Magiſter*. Of the *Notaries* under him there were three Ranks: ſome being call'd *Tribunes* and *Notaries*; others *Domeſticks*, being *Secretaries* to the Emperour, whoſe Secrets they wrote; and below theſe was an inferior ſort, though call'd *Tribune-Notaries*; yet it ſeems not equal to the other, who had the ſame Place and Reſpect, as *Palatine-Tribunes*. The firſt ten, after the *Primicerius*, were privileged from Quarter at *Conſtantinople*, and enjoyed the Dignity of *Vicars*, and the *Domeſticks*, or *Secretaries* were the Fellows of *Conſulares*. Laſtly, it appears that none were received among the *Tribune-Notaries*, but ſuch as had before received the Title of *Egregius*, and that they were made of the *Primiceriarii*. They went girt with a Girdle, as Souldiers were wont to do.

83. Now, at length follow the Maſters of the three *Scrinia*, or Offices, for by *Scrinia* are meant Offices, Cabinets, or Rooms, wherein ſhort Records, Edicts, Letters, Papers, and other Matters relating to Records were kept. Theſe in particular were, the *Scriniarius Memoria*, *Epistolarum*, & *Libellorum*: the chief Officers in which whereof were, in Contradiſtinction to him of the *Laternulum*, ſtyled *Magiſtri*, not *Primicerii*; as thoſe that were next them, at this time, were termed *Proximi*, and not *Secundoclerici*, nor *Tertioclerici*. To theſe Offices *Auguſtus* gave Original, by the Advice of *Alecanus*, out of the Rank or Dignity of *Equites*, by Reaſon of Multiplicity of Buſineſs, choſe certain Perſons to take Records of ſuch Judgments as paſſed, ſuch Letters as were written, and other Matters. Afterwards ſucceeded others by the Title of *Magiſtri Scriniarii*, in Dignity of the Rank of *Speſtabili*, and in place equal to *Vicars*: as to their Immunities, freed from all Burthens, both Civil and Perſonal, together with their *Proximi*, and as to Profeſſions, ordinarily Lawyers. At firſt they continued three years, then two, after ward but one, in their Office; and quitting them were made *Comites of the Conſistory*. For in all Employments it was a Rule, to ſuffer none to continue long in place; both that Room might be made for other deſerving Perſons; and ſuch as were employ'd might not by long Continuance in any Office, be more inſtructed, and tempted to do amiſs. Next to them were the *Melloproximi*, or *Futuroproximi*, who ſucceeded the *Proximi*, and were of the Style and Dignity of *Clariffimus*, with all the reſt that followed, as far as the *Exceptores*. They ſupplied the Place of the *Proximi*, and were in the Room of the *Tertioclericus*; of whom he that next followed bore the Name of *Adjutant*. The Number of theſe *Scriniarii* was ſeſſed, and Conſtant: for in the *Scriniarius Memoria* were ſixty odd Perſons, and in the reſt thirty four a piece. Of theſe ſome were *Exceptores*, ſo call'd from taking Notes, and recording ſuch things

*Scrinia dicta muſicarii Placet, vel Annales, in quibus Communiſſarii brevis, Edicta, Epistolæ, Li- belli, diſcretiſſima memoria claudibatur. Pænſi- bus.*

*Sed debet Scrinii & Scrinarii, item Proximi, vide ſupra in Tit. tit. lib. 6. Cod. de Proximi, Comitiſus, &c.*



SECT. 2. as passed before the Prince, the *Præfidi Prætorio*, or *Quæstor*. Under these was another fort, which wrote, and were Candidates for the next Place in Ordinary which fell, into which when they came, they paid two hundred and fifty *Solidi* for their Admission, to the *Proximus*, and twenty, or fifteen more to the *Melloproximus*; which afterward by a Constitution of *Anastasius* was transferred upon their Heirs, for this is observed concerning all the *Palatine Militia*, or those that served in the Court, that generally such as came in, at their Entrance paid certain Fees to the Seniors, or Principal of the Office. The first fifteen, in esteem greater than the rest, received also great Allowance from the Emperor; and at first in Kind, but it was afterward turned into Money. The *Scriniarii*, if in the Provinces, were exempted from the Burthen of Quartering, and as a Mark of their Employment, they wore a Girdle. For the Caslock and Girdle at first seem to have been taken from the Souldier, and so to have passed into use, both with *Civil Officers*, and *Ecclesiastical Persons*; as in other Countries, though not in England, the Custom is still observed, both by Lawyers, and others. *Pancirolos* observes, that St. *Ambrose* calls these *Scriniarii*, *Officia Palatina*. In *Civil* and *Criminal* Matters they were judged, as all their Relations, by the *Magister Officiorum*, and paid lesser Fees than others. Although they of the *Scrinium Memoriae* be properly called *Memoriales*, yet sometimes the rest also go under that Name. The places of the Principal in those Offices were so good, that *Procopius* writes them to have been better than an hundred *Centenariæ* of Gold yearly.

84. But that we may touch a little upon the Particular Offices; and first, as they lay in the *Notitia*, upon the *Scrinium Memoriae*. Princes of old, were wont to have such about them, as took Notice of those, who in War did gallantly demean themselves. These writing down their Names, and putting the Prince in mind of them, to Reward their good Service, had from the Effect of their Office, the Name of *Memoriales*. But these by Degrees grew out of Request, and others came in their Rooms, whose special Charge it was to look to the lesser *Lateralculum*, wherein were Recorded the several *Præfidiships*, *Triumphships*, and Command of the Forts lying upon the Borders. We say, it was their special and principal Care; for besides the lesser *Lateralculum*, there were other Records also kept in this Office, wherein in the Memory of many other Matters was preserved. Those that dealt in the *Lateralculum*, under the Inspection of the *Quæstor* of the Palace, are called *Lateralculenses*, the rest *Memoriales*. The *Notitia* tells us, that the *Magister Memoriae* (besides the Charge of the *Lateralculum*) did dictate Annotations, grant Commissions for Postage, and answer Petitions. These Annotations were, as *Pancirolos* interprets the Word, short Notes of such things as were ordered or confirmed in the Prince his Name; who when he answered any thing by word of Mouth, the *Magister* dictated the Substance of what he said, to the *Proximus*, who took short Notes of it; or else the *Memoriales*, who from this taking or receiving had the Name of *Exceptores*, being in Quality something above the rest. In this *Scrinium* or Office were also kept those Writings which the Prince subscribed, for Approbation and Admittance of the *Agentes in Rebus*, and *Palatine Officers* under Command of the *Comites Largitionum*, and *Rerum Privatarum*; and probable it is, that by those *Memoriales* were Recorded and kept the Names of the Places, Towns, or Stages of the Postage, or *Cursus Publicus*. That Catalogue, which goes under the Name of *Antonine* his Itinerary, wherein are reckoned up the Mansions, Towns, or Villages in which the Horses were kept, being of this Nature, and probably kept in this Office; out of which the Licenses to use it issued. And as likely it is, that the Roll and Description of the Engines of War, and the Pinaces and Vessels, which serv'd on the several Limits was here also preserv'd to perpetual Memory: upon which Accounts the Officers were not unfitly termed *Memoriales*. Of the sixty four Persons, which served in this Office, twelve were *Assistants* of the *Quæstor* of the Palace, and seven were called *Antiquaries*; four *Greek*, and three *Latin*; who looked to the Records, and copied out fair such as Age had begun to deface. The rest were *Exceptores*, or more ordinary Clerks.

85. The Second *Scrinium* or Office, was that of the *Magister Epistolæ*. In the time of *Augustus* there seems to have been no such Officer; for he wrote or dictated his own Letters, which afterward he left to *Agrippa*, and *Mecænas*, to be mended, or altered, as they should find expedient. But not long after was brought up this sort of Secretary, called *Magister Epistolæ*, who receiving from the Prince his Mouth the Substance of what was to be written, dictated the Letters unto Clerks. For *Nero* had this sort of Office; and *Suetonius*, who wrote the Lives of the *Cæsars*, was *Magister Epistolæ* to the Emperor *Adrian*. The *Notitia* tells us, that

The *Scrinium Memoriae*.

The *Scrinium Epistolæ*.

337.

Annotations omnes distat.

SECT. 2. that this *Magister* dealt in the Embassies of Cities, Consultations, and Petitions. At the Audience and Conference with Ambassadors of Kings or Cities he was present, that he might fit the Answers he wrote according to the occasion. But these Messages were first Debated in the Auditory of the *Præfidi Prætorio*, without any Determination; and being Reported by those of this Office in the Consistory, they then wrote Answers according to the Emperor's Resolution. To such *Præfidents*, or Governors of Provinces also, as Consulted the Prince concerning any doubtful Matter of Fact, they wrote Answers as he directed. In Appeals from *Illustrious Persons*, or *Speciales*, they wrote the *Alia*, or what passed; as also in Appeals made from *Duces*; and from the Records they wrote, got the Name of *Prædicarii*. This *Magister* also Answered to the Petitions of Cities, as the *Magister Libellorum* to those of Private Persons. The *Tribunships* of Legions, which were Dispatched by way of Epistle, went through his hands: The Commissions of Persons *Illustrious*, and of the Dignity of *Speciales* also. In conclusion, all Letters of the Prince written of course (as for Secret Matters, it might be otherwise) he Dispatched, and thence he and the Under-Officers reaped no small Gain and Advantage. After him, next in order were the *Proximi*, and the *Melloproximi*, as in the *Scrinium Memoriae* was observ'd. Thirty four served in the Office, of whom Seven waited on the *Quæstor*, with the Title of *Assistants*; and thence passing to the Places of *Lateralculenses* in the *Scrinium Memoriae*, had liberty to tell their former of *Assistants*. Besides this *Magister*, the *Notitia* mentions another of *Greek Epistles*, whose Work it was to Dictate such in *Greek* as in that Language were to be sent abroad, or being written in *Latine*, to Translate them into that Tongue.

86. Next follows the *Magister Libellorum*, or Master of Requests; for *Libellus* here signifies a Petition. *Augustus* himself Dispatched and Signed Petitions; but his Successors, to ease themselves of the burthen, brought up this Officer; yet so, as that a long time they subscribed them themselves; till growing weary of it, this their Secretary had several *Scriniarii*, or Clerks, who took from the Prince his Mouth (or from the *Magister*) and wrote his Answers. But the *Notitia* tells us, this *Magister Cognitionum* & *Preces tractat*. *Cognitio* signifies the Debating and Examining of the Cause when Council was heard. For when an Appeal lay to the Prince, from one he had Delegated to Hear a Cause; the *Præfidi Prætorio* in Comitatu (he in Waiting) or the *Quæstor* of the Palace heard the Matter, which was managed by this *Magister*, and his *Libellenses*, or those of the Office, which in the time of the *Notitia* were Thirty four in Number, who took the Process in Writing, as the *Epistolares* did, when Appeals came from Judges of the Degree of *Speciales*. They also were Registers of the Court, at the Tryal of any *Illustrious* Person before the Emperor: as also, when any Matter in the City was referred by him unto Delegates. Whereupon *Justinian* (as *Pancirolos* observes) calls this *Magister* by the Title of *Magister Cognitionum*, and *Antigrapharius*, (the same with *Referendarius* in the *Notitia*) and this Office *Scrinium Libellorum* & *Cognitionum*. Besides this, they of this Office gave out the Approbatory Letters or Commissions, by which (being subscribed by the *Magister*) the Prince Approved of the *Magistri Militum*, the *Comites* and *Duces* of the Limits, and several of the *Palatine*, or Court-Officers; so that their Places must needs have been very Profitable. Of the Thirty four, Seven also Attended as *Assistants* upon the *Quæstor*, of his own Choice; and afterward came to be *Proximi*, and *Melloproximi*. The Master was most commonly a Lawyer, and often rose to the Dignity of *Præfidi Prætorio*. Such were *Papinian*, *Aurelius*, *Arcaidius*, *Charisius*, *Paulus*, *Ulpian*; and in *Justinian's* time, *Constantine* the Compiler of the *Pandects*, who had been Advocate in the *Præfidi's* Court, who also Exercised the Office of *Magister Largitionum*. These *Libellenses* were girt with a Girdle, as the Badge of their Office, and were judged as the other *Scriniarii*, by the *Magister Officiorum*. As for the *Magister*, neither he, nor either of the other two preceding Masters, had an *Officium* of their own, or *Attendants* allowed them; but, out of the Office it self, took such *Assistants* as they pleased.

87. Now, last of all, besides these three of the Masters, there was a fourth *Scriniarius*, or Office under a *Comes Dispositionum*, as he is called; of which, though the *Notitia* makes no mention, yet *Pancirolos* thinks fit to add it, as being (he tells us) frequently mention'd in other Books, though at the time when the *Notitia* was written, the *Magister Epistolæ* might do the Work; and from the Prince his Disposing many things by him, might be called *Magister Dispositionum*. But

The *Scrinium Libellorum*.

The *Scrinium of the Comes Dispositionum*.

Seçt. 2. this *Scriniun*, at other times, had neither a *Magister*, nor *Proximi*, but instead of them, a *Comes*; and such as Managed it under him were termed *Referendarii*, as *Pancirolos* thought. They represented the Desires of Suppliants, and Consultations of Judges (as he believed) to the Emperour, which Representation was called *Relatio*, and returned Answers to the Consultors, which were termed *Mandata*, as well as *Responsa*, and also *Dispositiones*. Being few at the first, their number increased to Eighteen, by permission of *Iustinian*, who yet reduced them at length to Eight. Their *Comes* had his *Assistants*, and they were all obliged, as all other *Scriniarii*, to serve twenty years, and at the end of their Service, they were Adorned with the Honour of a *Consularis*; and the *Comes* himself Preferred to be one of the Prince his *Consiliorum*, or *Council*. This is the Sum of what *Pancirolos* hath written concerning the *Scriniun Dispositionum*, and those that Served in it, whom yet *Gothofred* acculeth of Error herein, that he Confounds them with the *Referendarii*: And he Affirms, that by *Dispositiones* here are not meant Constitutions, Sanctions, Pragmatics, Edicts, though these elsewhere come under the general Name of *Dispositiones*, but other Acts of the Prince respecting the Commonwealth, besides the Sanctions of Laws, Adnotations, Answers to Messages, Embassies, Consultations, Petitions, or Cognitions, all which were Dispatched by the other three *Scriniarii*, or Offices, viz. *Memorie*, *Epistolatum*, & *Libellorum*. What then? Why in these *Dispositiones* were most commonly the Provisions of the *Ammonia*, Dispositions of the Emperours Journeys and Expeditions, concerning the Creation of Magistrates and Publick Officers, and Matters which the Prince had propoed to himself to be done. That *Dispositiones* are taken in this sense, he proves out of *Lampridius*, *Capitolinus* and others.

88. He concludes, that (as a Law expressly speaks) in this *Scriniun* was kept the *Norma* and *Series* of the Emperours *Dispositions*; or what was Disposed in the State by him, according to the Emergency of Affairs; so as what in a manner he daily Acted, Designed and Disposed, were therein contained, their number arising to so great a multitude, that it was requisite there should be a peculiar Office for them; as also a peculiar *Comes* or *Magister*. But he proves that the *Scriniarii* of this Office or *Scriniun*, were of a lower Degree than those of the other three; because in the other, Learning was required to Form the Constitutions, Answers and Letters of the Prince; but in these, only Integrity and Industry; and therefore, as it is evident by a Law of *Gratian*, that the Chief Officers of this *Scriniun* were also called *Magistri*, which some have denied; so as plain is that which he observes from the same Law, and others, that these *Comites*, or *Magistri Dispositionum*, though in Name they might agree with the Masters of the other *Scriniarii*, yet in Degree were inferior to them, being joyned, not with Them, but their *Proximi*, with whom they received, when they went out of their Offices, the Honorary Dignity of *Vicars*. And thus we have run through the several Offices of the *State*, and thereby done so serviceable a part to the Reader, as to give him a Prospect of the Policy of the Empire; by which means he may better understand not only the Government, but the Histories, Laws and Customs of these Ages. But he must know, that what has been said of these several Magistrates, hath relation chiefly to the *Eastern* Empire, which in the time of the *Notitia*, and especially afterward, was most considerable; That of the *West* shortly after falling, which was a good reason why *Pancirolos* chiefly insisted upon that of the *East*. I must confess, some may judge this too tedious a course we take; but yet, methinks, there is more still to be added; one Subject yet remaining, without which, neither this Design, nor the Reader's knowledge of these Matters, can seem to look toward Perfection. And that is, a short Account of the Municipal Magistrates, or the Government of the Cities and Towns Corporate; which we shall also Dispatch with what Brevity and Clearness we can.

89. The *Roman* Prince his Task and Employment being to look to the Government of the Provinces, by placing therein such Magistrates as he thought convenient, and to take care of the state thereof, left the Matters of the particular Cities to the Management of their own Officers; contenting himself with the Jurisdiction and Empire over the People, and the Tributes he received from them. Therefore had each Corporation a Court, or *Senate* of its own for their Government, and Provision of all Necessary Things; Creation of Magistrates, due Management of Publick Lands or Moneys, looking to their Publick Hou-

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Ad L. 1. lib. 6.  
Cod. Th. Tit. 26.  
de Proximis, Con-  
siliis, Di-  
f. c.

Clarissimus vi-  
ros, Proximos  
Scriniarios &  
Magistros Dis-  
positionum, Pri-  
varios Ordin-  
is copulamus;  
c.

Pancirolos in  
Epist. Dedicato-  
ria.

Seçt. 2. *fer*, *Baths*, and *Forums*; Repairing of Ways, equal payment of Tribute, and other Matters relating to the Common good. All Cities within the *Roman* Pale had their peculiar *Senates*, the two Capital Cities *Rome* and *Constantinople* excepted, which the Preference of the Prince eased of that Trouble, they having *Præfides* (as we have seen) of their own, who Discharged the Offices of other Inferiour Magistrates, or *Cratores*; and the great *Senates* of the Empire there sitting, there was no need of the other lesser and lower Courts. These two were therefore Paramount, and of condition surpassing the nature of these Inferiour Corporations. All other Cities looked upon themselves as Graced and Privileged by having these Courts and Governments; and some there were, which, for their Revolving to *Annibal*, after his coming into *Italy*, were deprived of them, and Disfranchised, as *Capua*, *Puteoli*, *Atala*, *Fundi*, *Formie* and others, which thereupon ceased to have their Municipal Officers, but received Governours from the People of *Rome*, or the *Prætor*, for many Ages; till by the Emperour they were Referred to their Courts, Judges, and Magistrates. But not only Cities (*Civitates* & *Urbes*) had their *Senates*, or Courts, but also Towns (*Oppida*) *Fres Burrenoughs*, (*Municipia*) nay Villages (*Vici*) certain Mansions (*Manfones*) and Forts or Castles (*Castra*) have had theirs too.

90. The *Senators* of these Courts are sometimes called *Civiles*, *Municipes*, and otherwise, but especially *Decuriones*; in respect of their Care of the Publick; and joyned in Degree and Repute with the *Honorati*; so the other Inhabitants being, in Distinction from them called *Plebeians*. For they in many things resembled the *Roman* Senate, by the Example of which, the Sons of these *Decuriones* followed the Condition of their Fathers, and their Names were written in the Table called *Album*, as those of the *Senators* were. First were written those that Excelled in Dignity, and then others, according to their Seniority in the Place; and such as had Sons were preferred before such as wanted. Further, as at *Rome* he was made *Prince*, or Chief of the *Senate*, who was more Eminent than the rest, in respect of his more Honourable Achievements; so was he that had passed through all Offices in the City, made Chief of the Court. And as at *Rome* once there were two Orders or Distinctions of *Senators*, viz. of *Illustrious* Persons, and those styled *Clarissimi*; so amongst these *Decuriones*, such as had passed through all Employments, were of a Principal Rank, and were termed *Principales*. They were more or fewer according to the Quantity of the Place they Inhabited; sometimes Seven, Ten, or Twenty, and called *Isofporati* in *Greek*, as the Honour it self *Isofporitia*. At *Alexandria* indeed there were but five *Summates*, and scarcely fewer any where else. Every one of them, according to his Place, was first asked his Opinion, as was observed in the *Roman* Senate.

91. But for a more distinct Knowledge, how they came to the Dignity of *Decuriones*, we must know, that they were either such from their Fathers, or Promoted. The Sons of such Persons, as we said, followed the Condition of their Fathers, whether Adopted, or born of Lawful Matrimony; for as for the Spurious Brood, it neither enjoyed any such Privilege in this, nor any other Matters. And only by the Father's side had they a Title to this Degree, not by the Mother's, except in the Court of *Antioch*; in which City this Right, by the Indulgence of Princes, was allowed to such as were born of a Daughter of a *Decurio*, though their own Fathers never arose so high. Here *Pancirolos* tells us from *Ulpian*, that they could not come to any Government till the five and twentieth year of their Age; which, though but begun, was to be taken and esteemed Compleat; though as to other Offices, the twenty fifth ought to be fully ended; according to which opinion of *Ulpian*, *Michael Hospitallus*, Chancellor of *France*, in the Year MDLXIII at *Roien*, proved *Charles* the Ninth, the *French* King, at the entrance of his Fourteenth Year, to be of Age or Puberty. But it appears from a Law cited by *Gothofred*, that the Sons of these *Decuriones*, though but of Eighteen years of Age, and as yet not Emancipated or Loosed from the Paternal Power, were obliged to undergo the Offices or Employments of the Cities; and such as were thus born, as *Pancirolos* himself Notes, were, though under pretence of Religion they had chosen the *Monastical* Life, drawn back again, and forced to Publick Service. So much for them whose Descent cast both this Honour and Burthen upon them. Others were, upon Vacancy of Places, chosen by the Court; and the *Plebeians* or Citizens were, though unwilling, compell'd to Accept of the Charge, if they had not a reasonable

Ex-

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Quemadmodum  
ubi Roma fuit  
Abel Trilones  
Plebis, fuit Re-  
gionum Carato-  
res, fuit Confe-  
les, fuit Sena-  
tum, ita quoque  
& Municipia  
et Tribus  
Plebis habuerunt  
Dispositores, ha-  
buerunt & fuit  
Cratores: Item  
Magistratus, id  
est Decuriones,  
qui Senatus Or-  
dines, fuit Co-  
ratoria, fuit Co-  
thofred. in L. 5.  
de Exhilibi-  
tores, res. Cod.  
Th. lib. 9. tit. 2.  
Præfatione  
Th. lib. 1. tit. 1.  
Cod. Th. de  
Decurionibus.

which in ma-  
ny things re-  
sembled that  
of Rome.

How the *Decuriones* came  
to be such.

Rejected by  
Gothofred.

Municipal  
Magistrates.

Sect. 2.  
None suffered  
to quit.

**Few excepted.**

When and  
how elected.

### Their Employment.

**To Physicians and Professors they paid Salaries.**

Excuse, as old Souldiers, and some others; and if they were not yet arrived at eighteen years, if they were in Orders; but ~~few~~ were not excepted; provided they bore not any Office belonging to their Synagogues. And if once in this Relation, by the Laws they were severely prohibited to desert their Station, which many, tired out with the Trouble they met with, were wont to do, or by Employments inconsistent with their City-Duties to divert themselves from the. By Degrees, they were to run through all the Offices of the Court, and not till then arrive at any Service, or Dignity, which if they undertook, they were to be forced back again. Yet, if they had taken Orders, the Constitutions, as the Affections and Inclinations of Princes were various, in that Particular. Generally they obliged them, either to return back, or find Substitutes, or leave their Patrimonies to the Courts. Several Exceptions there were in Favour of some, especially such as served in the <sup>vide Parat.</sup> Palace. Also they could not be excused though by Connivance of the Court it <sup>was</sup> self, neither by the Favour of the Prince, but for a certain time, nor by the Sentence of a Judge, neither by a Substitute (except Clerks promoted to Dignity) without they had passed all the Offices, or could be excused for their Age.

92. On the first of *March* the Promotion of these *Senators* or *Curiales* was wont to be made. The Court being summoned by the *Dumoviroi*, by a public Messenger, according to the Custom of the City. Two Parts of the Court, at least, were to be present, and the *President* of the Provinciate at all Elections. The *Dumoviroi*, or *Censurs* named whom they thought fit, and thereupon the Suffrages being gathered, the Election was perfected by the Voices of the Major part, and the Approbation of the *President*, who signified it to the Person by a Publick Messenger. If he pretended an Excuse, he appealed to the *President*, and if upon Tryal his Excuse was found good, he that nominated him was condemned as to Costs. To this grinning Honour such were prefer'd, as had most Voices, or were Fathers of more Children, and for a Conclusion their Names were entered into the *Album*, or List of the Court. From one newly admitted, certain Gifts, or Fees were due to the old *Curiales*, and divided amongst them, which they called *Sportule*. Now having entered upon their Offices, their usual Tasks, and Employments were, both various and troublesome, which often provoked them (as we said) by several Courtes to evade them. To them in general the whole Care of the Publick was committed. They were employed in Prosecutions. They managed the Revenue of the place, of which the third part was laid out for repairing the Walls, and publick Baths, the rest for maintaining of Professors, and other publick Uffs. For they also maintained Physicians to take Care of their Sick, with a certain Salary. Neither did the *President* of the Province herein meddle; but the *Curiales* themselves made choice of such, to whom for their Honesty and Skill, they thought fit to commit themselves and their Relations. And these are termed *Archiatr*, or principal Physicians. *Grammarians* also, *Rhetoricians* and *Sophists*, or Philosophers they had under Pay for instructing of their Youth. The lesser sort of Towns had usually but five Physicians, and three Professors. The middle sort seven of the first, and four only of the latter sort; but the greatest ten Physicians, and five *Grammarians*, or *Rhetoricians*. Except to such as these, no Salary could be allowed by the Publick; and in case any such were decreed, the Decree, as partial was accounted Null and Void. As for Professors of Law, no such were permitted to teach, except at *Rome* in the *Capitol*, at *Constantinople*, or *Berytus*. But to speak further to the Duties of the *Decuriones*. Sometimes they had the Care of the publick Postage, or *Cursus Publicus*, and several other Services from the State were imposed on them. For Example, they were made *Suscceptors* in other Provinces, *Procurators* of Mines and other Charges, and in the Corporation exercised that Power we lately mentioned, the whole Interest thereof being their Concern. The ten Principal of them gathered the Tributes, and if any was wanting, made it up themselves. In Respect to which Duties they were not permitted to live in the Country. Though they managed the publick Revenue, and by *Curators* let out the Lands; yet without a Decree they could not alienate them, nor send a Message to the *Prince* without Consent of the *President*. In case any of them died without Issue, he was bound to leave the fourth part of his Estate to the Court; which Custom made most of them so desperate as to be Spend-thrifts, and chuse rather to waste their Estates, than to leave them to: and some abstained from Marriage, that they might not leave their Sons obnoxious to the Court, or Body; very few concerning themselves for it more than Necessity constrained. It was fit therefore, they should have many Privileges, to invite them to undertake so troublesome a Task.

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**e** *Vide* Parat.  
et clon.

## Chap. I.

Sect. 2.  
Their Privile

93. The chief of all their Privileges was this, that neither they, nor their Sons, could be by the Governors of the Provinces, could be put to the Rack, or have any such Ex-  
 Sect. 2. tremity used to them as was wont to be inflicted on ordinary Persons suspected. Their Privile-  
 804. except they were found to have defrauded the Corporation of it's Money, or Revenue; in which case they might be beaten on the Back with leaden Bullets. They were also liable to a severe Examination in the Case of Counterfeiting Writings. But further, if they fell into Poverty, they were to be maintain'd by the Publick, especially if that had hapned to them by their Liberality to the Corporation. If any one entred into any Office of Magistraty, took the *Toga Virilis*, or married, it was the Custom, that they should be invyred by them, and receive one, or two *Denarii* of the Party. Some of them, that had pass'd through all Offices, and arriv'd at the highest Place of the Court, were honour'd with the Dignity of *Comites* of the first Rank. A *Batard-Son* by his Father offer'd to the Court, became Legitimate, and a *Batard-Woman*, if married to a *Decurio*. As *Senators at Rome* by the *Laticlavium*, so little doubt it is, but they by a peculiar Habit (though not known what it was) as well as by other Ensigns of Magistraty were distinguished from the inferior Sort. On Festival days, as upon News of some Victory, or the Prince his Birth-day, they wore Garlands. Without the special Command of the Emperour, they could neither be summoned upon any Law-matter to *Rome*, nor *Constantinople*, nor into any other Province. In some Countreys it was also the Custom to have certain Courts, or Colleges, which they termed *Synedria*, out of which Causes could not be determined.

The Manner  
of their Pro-  
ceeding in Eu-  
fines was after  
that of the *Sa-  
niti at Rome.*

94. Now the manner of their Proceedings in Buſinesſes, much reſembled that of the *Roman Senate*. As the *Senate* was called together at *Rome* by order of the *Conſul*, or *Prætor*; ſo theirs by that of their *Duumviri*: That was ſummoned by a *Prætor*, or publick Cryer, and ſo was theirs. In both they took Place according to their Quality. Two parts of three it was neceſſary ſhould be preſent at the Court, and if any Matter of Difficulty occurred, one of the *Duumviri*, who propounded the Buſinesſes, asked the Opinions of the *Curiales*, Men by Man, beginning with him that was of beſt Quality. Precedence was uſually given to him that had moſt Children, except at *Syracufe*, where no man was asked by Name, but, as now in our Parliament, ſpoke of his own Accord; though it was the Cuſtom there alſo for thoſe that in Age or otherwiſe excelled, to begin: but if all held their Peace, by Lot they were compelled to deliver their Opinions. Of old the *Decuriones* gave their Suffrages by word of Mouth, or written on ſmall pieces of wood, as at *Rome* the *Senators*, and the *Summates* only ſpoke; as in the City the *Illuſtrious Senators*’s reſt ſhewed their Opinions by Diſceſſion, each going over to that Party he approv’d; and what pleaſed the Major part was received, and called *Decretum Ordinis*, or the Decree of the Order, or Body. This Courſe was obſerved, till by the *Tabellarian Law* this Diſceſſion was forbidden, and Votes ordered to be paſſed ſilently by Writing, of which *Pliny* (as *Pancirulus* obſerves) doth complain. As the Reſolves of the *Senate of Rome* were wont to be Noted by thoſe Letters, S. C. ſo the Decrees of the *Decuriones* by D. D. Such was the Work, Honour and Employment of the *Decuriones*, while they continued in that Place or Relation; and Difficulty, if they would, could they leave it. Indeed by Deportation or Relegation, as a Puniſhment, they were Degraded. On the other ſide, ſcarcely could they get off except they had paſſed through all the Offices. Sometimes yet they were Excused by certain Privileges, as of Merit, Age, Number of Children, Service at Court, and in the Camp, publick Adminiſtration or Dignity; if by Merit, not Favour they had obtained it; alſo by being publick Mcſſengers or Ambaſſadors, and having ſerved as an *Official* the ſpace of five and twenty years. If they aroſe to the Sublime Honours of *Patrician*, or ordinary *Conſul*, but not Honorary, or only by Patent of that Dignity. Moreover, the *Præfeſti Prætorio*, *Magiſtri Militum*, the Advocates of the *Eſque*, the *Principes of the Agentes in Rebus*, and the *Proximi of the Særima* were diſcharged of the Trouble.

**Magistrates in  
Cities,  
as,  
Dumviri.**

95. We have mentioned the passing of the *Decuriones* through several Offices; now that these were we must also tell the Reader. The highest Place of Magistracy was that of the *Dumviri*, or *Dumvirores*, so called, because exercised by two Persons, as the *Confuls* was at *Rome*; though sometimes, according to the Customs of the Cities, or Towns, there might be four, or five, who held the *Magistratus*. The *Magistratus* was also called by other Names; as *Ædilis*, *Prætor*, and *Dictator*. *pro Dumviro*  
The *(a)* *Dumviri* could only be made of the *Decuriones*, and the chiefest of them: The *Confuls* in post  
and consequently, the City of *Alexandria*, being wont to be Subject to Kings, as *Decuriones* in post

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Magistratus  
pro Duumviro  
sumitur in tota  
Tit. Cod. 7b. a  
Decurionibus;  
& alibi.

Señ. 2. it had no *Decuriones*, so none of the other fort, but from *Cæsar* received a Judge, who was called the *Juridicus of Alexandria*, and exercised all the Powers belonging to the *Duumviri*, with whom he is often compared; to him, and also to them Power of assigning Tutors being granted: but herein his Authority exceeded theirs, that he had Cognizance of the greatest civil Causes, whereas the lesser fort were only triable before them. This seems to have been a Reason, because He was created by the Emperour, and they only by the Corporation; but *Severus* put an end to this Difference, by introducing *Decuriones* also into this City. The *Duumviri*, by way of Eminency, are in the Laws termed *Magistratus Municipales*, and simply *Magistratus*. The same Form was observed in creating them, as in chusing the *Decuriones*, only they were nominated two to three Months before they entered their Office; that in case they had just Causes to excuse themselves, others might be chosen in convenient time. If no fit Excuse could be alleged, though unwilling, they were compelled to undertake the Charge, and to give Caution for their just Administration. In old time they had *Licors*, or Beadles, that went before them, but bore no *Fafces*, but only a Rod or Staff, as Virgins now. But this Custom was afterwards changed, and at length every where the *Fafces* came to be used. They wore also the *Prætexta*, or Robe with a Purple Border.

96. But now in Reference to their Power; they might be Judges in Causes to a certain Sum; but could not exercise those Authorities, which belonged more to *Mærum Imperium*, than *Jurisdictionem*; as to restore one in *Integrum*, and other Matters: but they might take Caution of the Parties to traverse greater Matters before other Magistrates. They had Power also of making Records, or *Acta*, by which are meant the Entries of such things as were made before a Judge, either in pleading, or Matter of Proof, wont to be made in the Presence of three *Civiles*; but this *Justinian* would not have inserted into his Codes; and they might cause Distress to be made for Payment of Costs: they could chastize Slaves, and send away Fugitives to be punished by the Governour of the Province. Some say they had no Authority to convict free Persons; but others allege the Case of St. Paul and Silas to the contrary, who by the Magistrates of the *Philippians* were, both imprisoned, and beaten, and dismissed the Day following; as in the Acts of the Martyrs, many *Christians* are said to have been cast into Bonds by the *Municipal Magistrates*. They might assign Tutors, provided the Estate of the Pupil did not exceed five hundred *Solidi*; the Richer being referred to the Jurisdiction of the Governours of Provinces. They took Caution for Pupils also at their own Peril; for if the Sureties failed, They were to make it good. In some Cities they Manumitted, so as to make the Parties *Roman Citizens*; whereas others were but *Liberti*, or freed men of *Latium*, or *Latiner*. They contracted for, and in the Name of the Corporation, and recovered Moneys left to it, at their own Peril. These Troubles might well excuse them from being *Tutors*, or *Curators* to Persons under Age; and while they were Magistrates, they could neither sue, nor be sued. In some Cities, as is alleged, they might hold for five years together; but generally, as of other Officers, their Employment was but annual.

97. Next after the *Duumviri* was the *Defensor Civitatis*, or Defender of the City, by the Greeks called *Syndick*; which was a single Employment resembling much the Office of the old *Roman Tribunes*, as that of the *Duumviri* did the other of *Consuls*. For of the *Duumviri* none could be made a *Defensor*, but he was created of some fitting and able Man amongst the other Citizens, being sometimes also styled *Defensor Plebis*. For his Work was, as his Title imported, to defend the common fort, and so also the whole Corporation from Injuries and Oppressions. In his Election the *Bishop*, *Clerks* and *Civiles* of the Place were concern'd; upon whom, by a Constitution of *Theodosius* it was incumbent, to make choice of the Person, who was afterward to be confirmed by the *Præfatus Prætorius*; having taken his Oath to Act in all things, according to Law: and the City for his Commission, if he was of the better sort, paid four, if of the inferior, three *Solidi*; for he himself was at no Expence, receiving no Reward, or Salary, except such was the particular Custom. His great Work was, to decide pecuniary Causes among his Countrymen, and to be Judge of the ordinary fort in their Suits and Quarrels; though in old time his Authority in such Cases reached, as high as fifty *Aurei*, wherein the Parties were bound to come before him, and not before the *President* of the Province, except by way of Appeal. Lighter criminal Causes he might hear, but his Animadversion upon the greatest Offender could only extend to Imprisonment, and then sending him, in the Name of the Accuser, to the *President*, to be punished. Testaments, Instruments of Contracts and Donations were registred with him; and the

Señ. 2. the Acts of such Processes, as were under his Cognizance, being taken by an *Exceptor*, that was sent from amongst the *Officium* or Attendants of the *President*, and afterwards transmitted to a publick Office called *Archicorum*, of which there was a *Præfatus*, or Overseer, to take Care they were not spoiled by Dull, or any other way obliterated. To this *Defensor* the Care of keeping the Multitude in order was committed, as also of protecting it, and the Price of vendible things. He assisted such as collected Tributes, against those who neglected to pay them, and executed, as it were, the Place of the *President* of the Province in the Town. It was his Task to pursue and find out fugitive Slaves, belonging either to the Publick, or to private Persons. At first these *Defensores* continued in their Places for five years, but afterward the Term was limited to two, which expir'd, other Citizens succeeded for the same time.

98. One of the most incumbent and Pressing Duties upon the *Decuriones* was, to see the Tributes duly collected; for which Purpose they made Choice of some one Citizen to collect or receive them, who thence had the Name of *Susceptor*. He was chosen in the Court, much what after the same manner as the *Decuriones* themselves. One, or more named him at their Peril (for they were responsible for him in Case he failed) and the Record thereof being taken by the Clerk of the Court; he certified therein, both the Name of the Receiver, and Undertaker for him to the *President* of the Province. The *Susceptor* of the Corporation (for there were, as we have formerly touched, other *Susceptores* of the publick Revenue in the Countreys) might be chosen, either out of the Body of the *Decuriones*, or from amongst the *Plebeians*, (so they were termed) or inferior sort; but the Office was not reckoned amongst those they accounted Sordid. His main Work was, in the Presence of the *Defensor Civitatis*, to take an Account of every Mans Land, and what was owing, and then to demand and receive from every one the fiftieth part of Wheat, the fortieth of Barley, and the twentieth of Wine and Lard, which was sent to the publick Storehouses, and there kept by the *Præpositi*, or Overseers of them. He also gathered what Poll-money was due, or Money usually rais'd otherwise from Lands, and such yearly Sums as were imposed by the Prince after this manner. The Town-Clerk gave in an Account from his Office, what was due from each Person; and such as were behind, or negligent to pay, the Apparitors of the Court were sent to take it, and then they brought it to the *Susceptor*, who gave a Note to him that paid it, wherein the Sum, the Cause of Payment, the name of the Party, the *Consul*, Month and Day were expressed. This was termed *Securitas*, and *Apocha*, as the Payment of Tribute it self *Collatio*, which though variously made, according to the several Nature and Customs of the several Provinces; yet all agreed in three certain Portions enjoyn'd by the Prince, at the first of *January*, first of *May*, and about the beginning of *September*; at which time the *Indictiones* began. The Grounds of such as deferred Payment were forfeited to the Emperour, and sold. The Money gathered was committed to the *Arcarius*, or Under-Treasurer, (such *Pancirolos* thinks to have been *Erasmus*, whom St. Paul mentioneth from *Corinth*, though Lawyers translate him *Administrator*, or *Curator*) who was chosen after the same manner as the *Susceptor*. He kept it not long in his hands, but speedily transmitted it to the *Præfatus Thesaurorum*, or Treasurer of the Province, who sent it up to Court with all convenient Expedition. Such was the Employment of the *Susceptor*, or Receiver, who only medled with such things as we have named, or Money (not with Cloaths) paid by the *Provincials* for every twenty, or thirty Acres of Land; for these were received by others. He held his Office for a year, except the Custom of the Place, or the Scarcity of men prolonged his Term unto two; neither could he undertake it again, till he had given Account of his former Administration. Every *Susceptor* was bound to gather up, not only what was due within his own Year, but all Arrears; till at length, *Anastolius* eased the *Decuriones* of this Trouble, by ordaining in every City other Collectors of Tributes, called *Vindices*, who continued in Being till the Reign of *Justinian*.

99. As the Prince had these his Officers in the Cities or Places corporate, for Collection of his Revenues; so the Corporations also, having Lands usually, Money, or Houses of their own belonging to their Body, had a peculiar Officer called *Curator*, or *Procurator*, *Logista*, and *Actor Publicus*, who took the Charge of them, and let them out, as was thought convenient; if the usual Term not exceeding five Years. Such Money or Goods as lay in private Hands, he recovered, and procur'd the publick Buildings to be repair'd, being obliged to make good, out of his own Estate, whatever Detriment the Corporation receiv'd. He set a Price of

The Procurator.

Vindices.

The Arcarius or Under-Treasurer.

Pancirolos de Magistrat. Municipali. c. 2.

Nonnullis Agere, quod Alibi.

A. D.

337.

Quid Debita Publica solvere. Vide Gathol. Fred. Comm. in L. 54. lib. 12. Cod. Tit. 1. de Decurionibus.

Ad Rom. ult. Hæc est et aliorum ratio, ut præstat.

Secf. 2. of *Viſuals*; ſaw that the Army had Proviſions, and Compelled ſuch as ſuffered their Houſes to Decay, and to be an Eye-fore to the City, to Repair them. That Publick Places were not poſſeſſed by Private Perſons, he took care; and in ſuch Cafes ſo Reſented the whole Corporation, that if any went about to Build there, and he gave warning to him, it was the ſame as if he had done it to the whole Body; for what, in ſuch Matters, was forbidden him, was forbidden to the City it ſelf; but in moſt places a peculiar Officer was choſen for this Affair, whom *Papinian* calls *Adilis*. The *Curator* paid all the Publick Debts, and Let out the Publick Money, but not to Interſt, which was the Taſk of the *Prefeſt* of the *Calendar*. He, and other *Curators* were obliged every year to clear the Accounts. Sometimes there were more than one of them. *Alexander* the Emperour, made at *Rome* (as *Lampridius* writes) fourteen *Curators* of the City, to Hear and Determine Matters with the *Præſides*.

**The Curator**  
*Annex*

100. But nothing being of greater Concernment in all Places than that Provisions, or Victuals should not be wanting; in Old time an Officer was Created by the *Decuriones*, for the constant Supply thereof, by the Name of *Curator Annone*. He bought up, at the best hand, Corn, when need required, to be Distributed amongst the Poor at a Moderate Rate, by *Rediæ*, or *Stobæ*, by the *Duumviri* for this purpose. These *Curators* had an *Officium*, or Company of Officers and Sergeants Commanded by a *Centurion*, who had the charge of Conveying and Laying up Corn; and if Sacks were wanting, might take them from any of the Inhabitants, and use them for the present time. Of this nature was the Office of the *Præfexus Annona* at Rome; who, though at first he was no Magistrate, yet afterwards had Jurisdiction given him over such as Traded in Wheat, Barley, and the like; which Authority he presumed also to have been Exercised by these *Curators* of other Places. It was a Personal Employment, wherein they were not bound to be at any Expence themselves, but only their Personal Labour was requir'd. The Corn was not to be sold dearer nor cheaper than the time requir'd; and if any City was in Want, the Emperour usually compelled other Places to supply it at a Reasonable Price. One, under twenty five years, was not to be compelled to this Office, except the Custom and Orders of the Places were otherwise. It's usually in Books, after the *Greeks*, called *Sitenia*; for which, for a long time, the *Decuriones* being wont to chuse this *Curator*, afterwards one of the Officers or Apparitors of the *Præfident*, with the Consent of the Bishop and the *Primates* of the City, was appointed to Discharge it.

101. That there might be a sufficient provision of Corn, the *Curator* was to take care ; but this was not enough ; the People or Inhabitants being wont not to buy it unbaked, but in Bread ; and therefore that Bread and other sorts of Victuals might not be Adulterated, but fold in due Weight and Measure, yet a more Peculiar Officer than the *Curator* was wont to be chosen, whom they called *Præfopos*, or *Infector*, being taken out from the Body of the *Decuriones*. He had his Name from his Oversight or Inspection, which caus'd the *Athenians* to give the name to an Officer of theirs, whom they sent to observe the Actions of such Cities and Places as were under their Command. At *Rome* this Task was Incumbent upon the *Ædiles*, who had the Care not only of Vendible things, but of other Matters. But to come to the other Officers. As it often hapned, that Cities or Places Corporate had Money to spare, besides such as was laid out on Necessary Expences, there was another Chosen by the *Prætor*, for putting out to Interest such, as else would lye idle, who bore the Title of *Curator Calendarii*, for a Book of Debts or Accounts of that nature was called *Calendarium*, because in those Times Interest was usually paid on the *Calends*, or first days of every Month, their Bonds being usually payable in one Month. Besides these already mentioned, Corporations were wont to Create other *Curators* upon occasion : as if any Debtor's Estate, by Decree of the *Prætor* was seized on, a *Curator* was appointed for the Management of it by the *Junucviri*. If any Publick Building was to be made, or Repaired, some were also wont to be Named by the *Prætor*, called *Curatores Operum*. Others were Assigned for looking to the Baths, and Walls of Towns, to the Repairing of which, the third part of the Revenue was wont to be appointed. Others to Publick Bake-houses. Some to prosecute Debtors to the Publick, and others to make or Repair High-ways, *Aquæduçts*, or Publick Works, which the *Ædiles*, or *Curators* of the Place had not leisure to Attend. And in some places a peculiar Treasurer for keeping Publick Money was Ordain'd, whom, after the Example of the *Romans*, they called *Questor*.

Episcopus, or  
Inspector.

*Curator Calendarii.*

*A. D.*

337

Soft 2

*Zygoptera.*

**Procrustes**  
**Metallorum.**

**Agent or Syn-  
dicate.**

Stationarii,  
or,

*Free 15che*

102. There being wont to be much Controversie about the Goodness and Worth of Gold, for deciding thereof in each City, one skilful in that way, was appointed, whom the *Greeks* called *Zygoflatas*. In *Macedonia* or other Countreys adjoining, after the finding out of Mines, from among the *Dæuriens* certain were appointed to see that the Eight Scruples of Oare were duly paid to the *Prince*, and these were Termed *Procuratores Metallorum*, who were under the *Comes Metallorum*, and he and they Responsible to the *Comes Sacrarum Largitionum*. And whereas Places Corporate might Sue and be Sued, they made choice of someone, who, if unwilling, was constrained to accept of the Duty, to be their Solicitor General, who by the *Latins* was called *Ædor*, and by the *Greeks* *Syndicus* : although it was a thing not out of use, for the *Dæuriens* to leave it to the Discretion of the *Dumaviri*, to find out some fitting Person to solicit some particular Cause. It was a Custom also in old time, for prevention of Tumults, Suppression of Thieves and Troublesome Persons, to have Souldiers or Armed Men placed at certain Posts in a City or Country, who gave notice of such Crimes as were committed in these kinds, to the *President* of the Province; and from the several Stations they held, they were called *Stationarii*, being first appointed to this Service by *Augustus*. Their Duty was to give Notice of such Persons, but scarcely to commit them to Prison, except they were Fugitives; and it was at their Peril, if they Accused Innocent Persons. As in the *Western* Parts of the Empire they were called *Stationarii*, so in the *Eastern*, *Irenarchæ*, or Keepers of the Peace; which Name, in a peculiar Manner, seems given to their Officers, or Commanders. These *Stationarii*, or *Irenarchæ* had Allowance from the Publick, both for Man and Horse; having, besides the Employment but now mentioned, another of taking Custom of such Merchandize as was imported. But whether, as often we see in Military men, their Idleness corrupted their Manners, and their Debaucheries cast them into such Want, as provoked them, for Supply, to take such Courses as tended to the Disturbance of those Countreys and Places, to which they were appointed for a Defence and Security; in time they grew so scandalous, that *Theodosius* the Younger, thought fit by a Constitution now extant in his *Code*, to abolish them, and give order to the *Præfessum Prætorio* to commit their Employment to others of the richer sort of the Towns, or Country, who from any Want, as it seems, might not have such Temptation to Rapacity. Afterwards, when *Justinian's* *Code* was composed, *Tribonian* utterly prevented this Constitution of *Theodosius*, and by one interpolated, or patcht up together, ordains the *Irenarchæ* (whom contrary to what *Theodosius* saith, that they hindered the Concord of the Provinces, saith, that they were the Procurers of Concord, Peace and Quietness;) to be chosen by the *Dæcuriones*, and appointed by the *President* of the Province. And indeed otherwise it appears, that the *Dæcuriones* themselves were employed about the Apprehension of Thieves and Robbers; and therefore the Title of *Irenarchæ* is placed in *Theodosius* his *Code*, as *Gothofred* observes, amongst such as belong to *Dæcuriones*; because this Task of Diligence was imposed upon the Wealthier sort, and consequently upon the *Dæcuriones*; who most commonly, were the richest Persons in the Corporations.

**Linnaeus**

Archives,  
or,

Antiquarii

A.D.

337

Vide Gothofred. Comment. in L. unic. Cod. titod. lib. 12. tit. 14. de Irregularibus. Pancirol. de Magistrat. Municipali-  
bus, c. 18.

Limnæarcha;  
Græcè, Ποταμός  
Πρεσβίτης.



Señ. 2.  
Tabularii

others that went by the General Names of *Tabularii*, and *Scribes*: such were properly *Tabularii*, that kept Books of Accounts, and therein Entred such as paid Tributes; being, both they and their Sons obnoxious to this Service. Such as kept the Accounts of Tributes were also called *Logographi*: Those that were properly termed *Scribes*, and their Office or Employment *Scribitus*, were the Clerks of Courts, who wrote down what passed before the Magistrates and the *Dumviri*, or *Defensores Civitatum*. There were others known by the Name of *Consulares*, who under the *Magister Census* wrote, and kept the Publick Records wherein Testaments were proved; but especially was kept an Account of the Patrimony of each Citizen. The *Decuriones* were not to be compelled to this Employment, but having willingly taken it up, had not the liberty to lay it down at pleasure. At first the *Tabularii* were Publick Slaves, but afterwards it was ordained, that Free Persons only should be Elected.

Gymnarchus.

104. The Greeks were wont in Large places compassed with Galleries, to Exercise themselves; in Inner Chambers adjoining to Wash and be Anointed; and near to those Rooms were the *Exhedra*, where Philosophers met and Disputed; the Overseers of which Places had the Name of *Gymnarchus*. It was a Custom, that when Ambassadors came into Cities, they should be presented with Necessaries at the Publick Expence, for which a peculiar Officer was appointed, with the Name of *Xenoparchus*. There were *Camelarii*, who had the care of Camels, which carried the Baggage of the Army in Expeditions; as also others, who looked to the Conveying of Provisions and Souldiers clothes, which the Towns were bound to find. All which were Personal Employments, not obliging to any Expence, but only Personal Labour. For prevention of Fires, which ordinarily happen by Night, there were the *Nyctostrategi*. And for the Regulating of Publick Pastimes, Exercises, or Races, the *Agonoteta*, who had those that went with Rods before them, to beat away, and remove the Crowd, and thence had the Name of *Mastigophori*, though unwilling, compelled to this Personal Service. And lastly, from out of the Body of the *Decuriones*, were certain chosen, and termed *Legati*, being constrained to go as Messengers from the Corporation to the Prince, if the number of three Sons alive, or a Message sent on within two years before, could not Excuse them. At first, upon very slight Errands these *Legati* were wont to be sent, as, merely to salute the Emperour, which put the Cities to great Charge; but afterwards it was Ordained, that none should be sent but upon Necessary Business, and that to be, as such, approved by the *President* of the Province, who was obliged to Accompany them with his Letters, as the *Præficus Prætorio* was to Approve the Message of the whole Province. None was compelled to undertake the Journey and Employment at his own Charge, but received a *Vaticum*, or Allowance termed *Legatium*; being first chosen by the City, and thereupon a Decree made and Signed by the *Decuriones*, which they called *Psephisma*.

How chosen.

105. The Custom was, for such to be employed according to his Place and Degree, the more ancient and honourable first, and then the rest in order downward, except the Greatness of the Affair required some of the better sort to be still employed. At the time of Legation they were not to embroil themselves with Business, either their own, or of other Persons; and had the Privilege not to be sued, but in case they committed any Offence, they, or their Servants were punishable at *Rome*. They were allowed Carriages; and the *Legates* of the Provinces, publick Horses. The number of the Messengers was not to exceed that of three. The Employment was personal, and could not be discharged by any Deputy, except a Son. Debtors to the Publick, and Infamous Persons, were not permitted to manage it. When the whole Diocese resolved to send to the Emperour, it was determined by the major Part of the *Primates* or Chief of the Cities. If the Province determined to send, the *Primates* of the Courts met in the *Metropolis*, at the Place where they were wont to assemble, and the Major part carried it, the Assent of the *Præficus Prætorio* being obtain'd. When the *Legati* came to the Court, they were first heard in the Auditory of the *Præficus Prætorio* then in waiting, and their Petitions were examined, but without any Determination; for afterwards their Requests were reported in Consistory by the *Epistolares*, and received such Answer as the Prince directed.

106. These were the Officers, and such was the Government of the Cities and Places corporate; which besides their Courts and Bodies for Government, had also several Bodies, and Companies of Artificers, as we here at *London*, which were privileged with Immunity from Personal Burthens. Of them some have reckoned up two and thirty, and others thirty five. The Names and Descriptions of which, the

A. D.  
337.  
De Tabulariis  
vide annos  
innotant. Go-  
thofr. in L. i.  
de Tabulariis,  
Logographi &  
Consulares, Cod. Th. lib. 8.  
tit. 2. Causa Te-  
bularius cum  
Tabulariis  
committitur.

Señ. 3.

Some Know-  
ledge of the  
Policy of the  
Empire need-  
ary for under-  
standing the  
Writers of  
these Ages, and  
this follow-  
ing History.

the Reader if he please, may find in *Pancirolos*, and elsewhere. For we seem in this Description of the Policy of the Empire to have been too tedious already; but the Profit, and Improvement of the Reader seems also to have required it: these things being not commonly known, and few making it their Business to understand the State and Condition of those Ages whereof we write; chiefly because they imagine them jejune and barren, and that little can be said, or known of them. Without a moderate Understanding of the Nature of these several Officers, he can little benefit by perusal of the Writers of these Times, and much less Profit in the Study of the Imperial Constitutions. And so we return to our History; which will both give to, and receive from this Apparatus very much Illustration. For what we have said briefly, and altogether concerning the Policy of the Empire, will for the most part be particularly explained, and amplified, when we come to speak of the several Laws, as in time they were enacted.

A. D.  
337.  
Excellenti-  
simi Artificum  
lib. 13. Cod.  
Th. Tit. 4.  
Communi Co-  
thofr. di.

## Señ. III

### The Joynt Government of the Sons of Constantine;

#### From his Death to that of his Son Constans, and the Usurpation of Magnentius: The Space of Thirteen Years.

The Issue of  
Constantine.

i. **C**ONSTANTINE the Great had four Sons, and two Daughters. The Eldest Son was *Crispus*, and he begotten of *Minervina* his Concubine. By *Fl. Maximiana Fausta*, the Daughter of *Maximianus Herculius*, he had three other Sons, *Constantine*, *Constantius*, *Constans*, and his two Daughters, *Constantina* and *Helena*. Now *Constantine* had a Wife married to him in his Father's time. Afterward, being Emperour, by an Embassy he procured another, of a most Noble Family out of *Spain*. For *Constantius*, he first married the Daughter of his Uncle *Constantius*, the Sister of *Gallus*, Betrothed to him also by his Father. After her, he wedded *Eusebia*, and at last *Faustina*, the Mother of *Constantia*, born after his Decease, and afterward married to *Gratian*. To *Constans* was given in Marriage *Olympias* the Daughter of *Alababur*. Of his Daughters, *Constantina* was first married to *Humbiliarius*, the Son of *Dalmatius*, the Brother of *Constantine*, who by his Uncle was made King of *Pontus*, *Cappadocia*, and *Armenia* the less, being invested with a Purple Robe; and after his Death to *Gallus Cæsar*. Of *Helena*, his Brother *Julian* was the Husband.

The Grief  
which all men  
expressed at  
his Death.

2. None of the Sons were present when he died, though *Constantius* arrived not long after: but there was no need of their Presence to make a Relement of the Loss the Empire sustained by their Father's Death: for the Souldiers that then waited, upon Knowledge of it, tore their Cloaths, cast themselves prostrate on the Ground, knock'd their Heads against the Walls, and otherwise expressed such Sorrow, as was agreeable to so publick a Calamity. And their Officers were no whit behind them in testifying their Grief with mournful and passionate Expressions; calling him their *Preserver*, *Deliverer*, and *Common Parent*. Neither were the Townsmen backward herein, to follow the Example of the Court, and Camp, running like mad men about the Streets, and bewailing their Loss, or sitting at home dejected and oppressed with Sorrow. When Grief would give them leave, the Souldiers took up the Body, and carried it to *Constantinople* in a golden Coffin covered with Purple, where it was exposed in the Palace to be seen of all, with Lights burning round about it, and Attendants to watch it. Here Court was kept, as if he had been still living. The several *Comites*, and other Persons that were wont to adore, or salute, now doing their Duty to him as formerly. The Senate also paid him the same Respect, together with all the Magistrates; and the Citizens were not wanting to testify their deep Sense of his Loss, who had been so noble a Founder and Benefactor to their City. Neither did old *Rome* forget to sympathize with

Vide Differ-  
entia in lib.  
14. Annali  
Marcellini.

Seet. 3. with her Daughter, the new: for as soon as the Report of his Death there arriv'd, they shut up their Shops, and publick Baths; abstained from the *Forum*, and their usual Sports, and intermitted all those Recreations, which in Times of Prosperity were wont to be used. It's said also, that they pictur'd him sitting in Heaven, and desired to have his Body sent to them to be buried in their City.

Constantius makes away his Uncle and Kinsmen.

3. But this was not agreed to by *Constantinus* his Son, who being not so far distant as the rest, upon Notice given, halted to Court, and thought it most fit he should rest in that City, to which he himself had given Original. *Constantinus*, either for that his Father had left such Command in his Testament because they attempted to poison him (as some improbably have reported) or rather to prevent more Competition, (for three Brothers might seem to suffice for the Government of the Empire) put to Death, or permitted to be put, his Uncle and Kinsmen; viz.

*Constantinus Dalmatius*, and his Sons, *Dalmatius Caesar*, and *Anaballianus*. *Zosimus* yidit Gothofred. relates this, as done after the Division of the Empire amongst the Brothers; of which he will have the Uncle, and Kinsmen in a certain manner to have been Sharrers. But the Brothers were by the Souldiers declared *Augusti*, or Emperours, not till the fifth of the *Ides of September*; which was more than three Months after their Fathers Death; so that if the other Princes were killed by *Constantinus*, presently after the Decease of *Constantine*, as some write, it must rather have been done before the Division, and most probably to prevent, as was said, more Competition. *Constantinus*, and *Constantus*, for some time, continued together. First in *Macedonia*, at *Thessalonica*, then at *Naissus* and *Viminacium* in *Myfia*, and thence removed to *Sirmium* in *Pannonia*; in which Country, the Division of the Empire was made. In this Division, *Gall*, *Spain*, *Britain*, and part of *Africa* *Proconfularis* fell to *Constantine*, the Eldest: to *Constantus* the youngest, *Italy*, with the rest of *Africa*, *Illyricum*, *Macedonia*, and *Greece*, with what bordered upon the *Euxine Sea*; and to *Constantinus*, *Myfia*, *Thrace*, with *Constantinople*, *Asia*, *Aegypt*, and the Eastern Empire, as far as from *Illyricum* to *Nisibis*. This Partition was not made without some Dissatisfaction and Disturbance, which was compoed by *Constantinus*, for some time; but broke out afresh betwixt the other two, and after three years proved Fatal to the Eldest. The Division of the Empire was first made by *Probus*, and *Florianus*, and this Example followed by *Maximinus*, *Constantinus*, *Constantine*, and *Galerius*. These first divided the Empire into several Appropriate Parts, or Portions; for although formerly *M. Antoninus* Reigned with his Brother *Verus*, and *Severus*, with his Son *Antoninus*; yet they Reigned as one man, and there was no Partition made of the Roman World. The next Division was this of the Sons of *Constantine*, whereof *Constantinus*, the Survivor, reunited the Empire, and so it continued, till *Valentinian* parted it again, betwixt himself and his Brother *Valens*, to whom he granted the East, for his Share, with part of the Forces. But they after a few years, and the Sons of *Valentinian* dying Childless, it returned to *Theodosius* alone, who again parted it at his Death, assigning to his Son *Arcadius*, the East, and to *Honorius* the West; yet were all things done jointly, as in one and the same Empire. This Division continued till *Valentinian* the third, and *Martian*, about which time the *Barbarians* began to seize on all parts of the West; subduing *Britain*, *Spain* and *Gall*, and at length *Italy*, with *Illyricum* and *Africa*, and so fell the Empire of the West; to which Fall and Ruine many conceive this Partition of it to have conduced. And it is easie to imagine, that hence might be multiplied Wars and Dissensions, whilst several Princes were not contented with their Shares, but each one strived to be Lord of all. But indeed we may conclude, that it was neither capable of bearing many, nor of one alone. More than one procured it's Ruin by Division, and one alone was not able to manage it; therefore must it decay by Degrees, as all Kingdoms and Principalities of too great Extent and Burthen; for which the Life, Force, Authority and Understanding of Man are altogether Insufficient.

How often Partition of the Empire happened.

4. That *Constantine* himself by his Testament, or otherwise before his Death, divided his Empire amongst his Sons, hath been believed; yet it is not certain, whether, he or they, after his Decease made the Partition. For what *Eusebius*, or the Author of his Life writes concerning his assigning them several Countries, might be understood of his giving them Governments, at such time as he made them *Cæsars*. However long it was not, before they fell out about their Shares, it being a rare thing for Partners in Sovereignty to agree. And whether from Confidence in their Dissensions, or by Reason of the Death of their Kinsmen, or other Reasons the Division was scarcely made, when Tumults and Seditions hapned in the Empire. Before *Constantinus* and *Constantus* parted asunder, and still resided at *Viminacium*

The Brothers fell out about the Partition of the Empire.

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A.D.

337.

et prius, & Cod. Theodosii Chronic. Historiam ad Annum 337.

Quotidie vestit madam Prodet instillat lo- co. Seneca in Ovidio.

Chronicon Historico-Gothico-Franci-

Seet. 3.

An Edit against Informers.

in the lower *Mæia*, they sent out an Edit against Informers, or Accusers, which is thought to have had Respect to those, who were falsely accused, as being of the Party of the Princes that were put to Death, or of *Abolavus* the *Præfides* *Prætorio*, or *Optatus*, the *Patrician*, whom *Zosimus* writes to have been also slain by Command of *Constantinus*. It bears Date of the twelfth of *June*, and on the eighteenth of the same Month, another Constitution was given forth from *Constantine* his Brother against Libels; wherein telling the *Africans*, that his Father took "Care for the suppressing of such scandalous Writings; and Commanding, That they should neither be made known to him, nor publicly seen, lest by such Devices the Life or Dignity of any one should be endanger'd; he also commands, that they be all committed to the Fire. It seems the Provincials of *Africa* had by their Messengers to him (whose Subjects they were by the Partition) complained of their Sufferings in this kind, and prayed to be relieved; and not unlikely it is that the Occasion also arose from the Tumults and Seditions, which about this time had been in the Empire. *Constantus* continued still in *Pannonia*, as appears by another Edit of his which bears Date at *Sirmium* on the twenty seventh of *July*, concerning publick Works, commanding the Judges to give Dispensations to none that ought to contribute towards them; for from the Indulgence of the Prince alone such Immunity was to be sought for, which was wont to be granted in respect to some Dignity, or Service, as to *Senators* of Court, with some others; and *Veterani*, or old Souldiers enjoyed it. Now these publick Works were the Bridges, Walls, and publick Buildings, wherein the Splendor and Ornament of the Cities and Towns consisted.

Constantius goes against Sapor the Persian King. His Edit concerning the Decuriones.

5. *Constantinus* from *Pannonia*, after the Division of the Empire, departed for *Syria*, to go against the *Persians*, whose King, *Sapor* by Name, encouraging himself by the Death of *Constantine*, and despising his Sons, now wasted *Mesopotamia*, and sat down before *Nisibis*, which near two Months he besieged. Upon Notice hereof of *Constantius* removed to *Antioch*, where, on the eleventh of *October*, in the Consulship of *Ursus* and *Polemius*, he made an Edit concerning the *Decuriones*, lately spoken of. This Edit is followed by twenty six more published by this Emperour concerning the same Subject; from which appears what the State and Condition of the *Civitates* was at this time, and how he consulted for their Advantage. These Laws having respect to four things especially; these are The Form and Order of their Nomination. That the Courts might be supplied against the Pretences of such as would be excused. That by Punishment inflicted on such as failed, the Magistrates and *Decuriones* might diligently discharge their places. And in the last place, he confirms to them their Privileges. The other preceding twenty two Constitutions in the Code were made by *Constantine* the Great, his Father, by which as the State and Condition of the Places corporate, as they stood in his time do appear, so *Gothofred* tells you, that it's evident with what, and how great Study and Endeavour that Prince laboured to promote the Interest of all such Places. The Scope and Design of all which, it behooved those to exhibit, who endeavour to express the Humour, and Genius of that Prince by his Constitutions, especially; and not that of one, or two only, as *Baldwin* hath done, whose Commentaries, saith he, concerning *Constantine* the great, that I may say it once for all, contain rather a Shadow or Pourtrait of a full Work, than a compleat Treatise, as some eminent men have before observed.

He flirts up the Arabians against Sapor.

6. Ere *Constantinus* could reach *Nisibis*, his Work was done to his Hand; for *Sapor* despairing of any Success, had quitted the Place, which is ascribed to the Prayers and Sanctity of *James*, the Bishop; during whose Life and Presence there, none of his Designs could succeed against the City. *Constantinus* to divert the *Persians* by giving them something to do, procured by his Ambassadors the pilfing *Arabians*, to fall upon them, while he attending this Business, made some stay in those Parts of the *Phœnician Syria*, bordering upon *Arabia*; as at *Emesa*, *Laodicea*, and *Heliopolis*, Cities of that Tract. Having given such order to his Affairs, as he thought convenient in those Parts, he returned to *Antioch*: but the following year, (wherein he himself the second time, bore the Title of *Consul*, with his Brother *Constantus*) came back again into these Quarters, as appears by the Dates of several Edicts now made by him. For being at *Eaodicea*, and there intrusted, as is probable, by the Lawyers of *Berytus* (the University for that Science) he reformed many things of old Custom, but very ill Consequence, and particularly took away capitious *Accusations* used in Forms and Words of Law by a Constitution directed to *Marcellinus*, the *President* of *Phœnicia*, and to the People of that Province. From *Laodicea* he removed again to *Antioch*, whither carrying an Observation he had made of

Chronicon Historico-Gothico-Franci-

Scct. 3. of the ill Practices of his Subjects of *Phœnicia*, or being put in mind by others of a scandalous Custom in those parts, by a severe Edit he endeavour'd a Reformation. The Matter this: By the most ancient Laws and Customs of the *Romans*, it was unlawful to marry, as well the Daughter of a Brother as of a Sister: but afterwards, when Licentiousness increased, a Difference was made, and it was permitted the Uncle to marry the first, but not the second, this being occasioned by the extravagant Affection of *Claudius* to his Niece *Agrippina*; for the sake of whom the Fathers, by a *Senatusconsultum*, made it lawful to marry the Brother's Daughter, which before was accounted Incestuous. By this Example and Permission encouraged, *Domitian* married the Daughter of his Brother *Titus*; but not long after, the old Law was restored, and this distinction betwixt the Daughter of a Brother and a Sister was taken away by *Nerva*, who ordained, that the Uncle should no more marry his Niece by the one, than by the other. Yet after *Nerva's* Death, what order he took herein proved ineffectual; for the Distinction again returned, it being as appears, by several Laws of the Digest, and by *Ulpian*, lawful in his time (who lived in the Reign of *Caracalla*) to marry the Daughter of the Brother, though not of the Sister. And this Custom was in use in the days of *Dioctlesian* and *Maximian*; but taken away by *Constantine* the Great, as should seem from *Sozomen* the Historian, who relates, that he restrained such profane and licentious Marriages, as formerly were not prohibited, although, no such Constitution of that Prince be now extant. To be sure his Son *Constantinus* by an Edit did now restore the most ancient Law and Custom, prohibited not only the Marriage of the Sisters but the Brothers Daughter, and not only Marriage, but any Carnal Knowledge or incestuous Copulation betwixt them, and this under no less a penalty, than that of Death. Now the People of *Phœnicia* were they to whom the Constitution was directed; because they, and the Inhabitants of the other Provinces, bordering upon the *Permanians*, from them received several corrupt Principles, which were much contrary to the Roman Laws; as appears both from several Laws, that are yet extant, and were made to bridle their Extravagances; as also, by what the Author of *Constantine's* Life, and *Socrates*, do write of the *Heliopolitans*, their using Wives promiscuously, until *Constantine* reduced them into Order, by the Propagation of *Christian* Religion amongst them.

For Maintenance of the War, he raises an extraordinary Supply.

Constantine published several Edicts.

Constantine his Brother makes War upon him for Africa and Italy.

A. D.

339.

Scct. 3. *Constantine* was the Aggressor in this War; and that invading the Territories of his Brother *Constantius*, he was slain by his men, near *Aquileia*, in the third year of his Reign; and that before the ninth of April, at what time, as appears from the Dates of several Laws, *Constantius* was Master of all *Africa*, which was not till after the other's Death. On the twenty ninth of the same Month he published another Edit, whereby he took away Immunities and Privileges from Tribute granted by his, and the publick Enemy, as it is worded. Now by a publick Enemy, whose Acts are hereby rescinded, can be no other than an Emperor meant, and considering the time, none but *Constantine*, by whose Death *Africa*, as well as his other Provinces, falling into the hands of *Constantius*, he thought it incumbent upon him, to take Care of the publick Revenue by repealing those Immunities through which it had been diminished.

8. But as to the Death of *Constantine*, *Zonaras* tells the Story with some further Circumstances. He writes, that he first expostulated with his Brother *Constantius* about the late Partition of the Provinces, requiring him, either to surrender him his part of his Share, or else to come to a new, and more equal Division. This he flatly refused to do, not yielding in the least to what he demanded; whereupon *Constantine* took up Arms, and invaded the Countries of *Constantius*, who being in *Dacia*, and understanding what he attempted, sent away some of his Captains against him, resolving to follow in Person with the rest of his Forces. These Officers being come near to the place, where *Constantine* was posted, a party of men lying in Ambush, rose up, and then counterfeiting Fear and Flight, drew him into the Snare, wherein being beset, he perished with most of his Followers; for his Horse, vexed by the Wounds he had received, threw him; and his Enemies taking the Advantage of the Fall, killed him in the Place. Others add, that they call his Body into the River *Alsa*, which runs near to *Aquileia*, whether his Brother *Constantine*, coming, celebrated his Funeral, and caused him to be reckoned amongst the *Diovi*; though this ill suits with the Character given in the Edit lately mentioned of his and the publick Enemy. But thus was the Empire of the *West* devolved upon *Constantius* alone, who from *Aquileia* travelled into other Parts, to settle his Matters in his newly gotten Possessions. Coming to *Milan*, he gave out there an Edit against such as Violated Sepulchres, concerning which it will be more proper for us to speak in another Place. From *Italy*, the following year, he passed into *Gall*, and came to *Lauriacum*, a place, as is probably conjectured, Situate in *Bavaria* over against the ancient Country of the *Franks*. Before his Departure out of *Italy*, at *Capua* he published an Edit, whereby he much gratified his Subjects of these Parts; forbidding Souldiers in their Quarters, to take any thing by Violence from their Landlords. At *Lauriacum* he made other two Laws, for Prevention of Municipal Officers (as the *Tabularii*, *Scribes*, and *Decuriones*), their forsaking their Charges in the Corporations, forbidding it upon Pretence of other Service, or Employment (*Militia*) although it was in the Court it self, except they had served already in the Office, the space of five years. Now as to the Place whence these Laws bear Date, on the twenty fourth of June, in the Consulship of *Marcellinus* and *Probinus*; there were in those Times three several Towns, that bore the Name of *Lauriacum*; the one in *Noricum* and the *Western Illyricum*, where the second Legion and Navy lay; where was a Fabrick, or Forge for Targets, the principal Place on the Road betwixt *Italy* and *Pannonia*, at this Day *Lorch*, but in an ancient Inscription called *Colonia Aureliana Laureacensis*. Another in *Italy*, between *Cremona* and *Mantua*. And a third in *Bavaria*, over against the *Franks*, perhaps now the same with *Larenis* a Town lying betwixt *Utrecht*, and the River *Flevo*; and hence, probable it is, that these Laws were dated.

Thereby the Empire of the West being devolved upon Constantius, he removes into Gall.

9. For in this year, which was the CCCXLI of our Lord, *Constantius* resided, neither in *Noricum*, nor in *Italy*, but in *Gall*, where he had to do with the *Franks*, with whom for this year he fought with success, but in that following overcame, and quieted them; it being in his second Consulship, which Office his Brother *Constantius* also bore now the third time. After his Conquest of the *Franks*, the Winter following he came over from *Gall*, hither into *Britain*, in very hard Weather, against the *Scots* and *Picts*, who it seems, at this time were tumultuous, even to Rebellion. Of what passed here in particular, as of most other Matters relating to War, at this time we have but very slender Intelligence; upon which account we have great Reason to bewail the Loss of the former part of *Ammianus Marcellinus* writings, his History. But from a Law, which he passed at the Sea-side, before he embarked, it is probably conjectured, that for this Expedition he laid a Tax, or extraordinary Payment upon his Subjects; as also certain base Services, termed by them

comes over into Britain.

Constantine his Brother makes War upon him for Africa and Italy.

Constantine his Brother makes War upon him for Africa and Italy.



Sec. 3.  
Super fines  
from Nifiss.

he turned the River, and by all sorts of Engines attacked it, but with such ill Success, that having lost the greatest part of his Army, he was forced to fly. This he placeth at the thirteenth year of *Constantinus*, how truly, as to matter of Fact, or Time, we cannot say: but whatever Success of *Sapor* was in this Siege, that of *Constantinus* by the Agreement of Writers was generally bad in all this *Persian* War; which the more *Orthodox Christians*, according to the Judgement of Parties, concluded to have hapned to him, because of his adhering to, and countenancing the *Arrian* Heresie.

Constantins ex-  
cuseth the Ci-  
tizens of Con-  
stantinople  
from finding  
of Souldiers.

13. To be sure in the year following the publishing of the Edict lately mentioned, for Encouragement of Artificers, by the Date and Subscription of another *Edict*, we find, though not the *Persian Sapor*, yet the *Roman Constantins* at *Nifiss* in the Month of *May*. In this very year several testifie, that he fought a Battle with the *Persians*, not far from that City, at a Place called *Singara*, and that by Night, and with no good Success; but this hapned several years before the Defeat of *Sapor*, as *Cedrenus* placeth it. But the *May* following, we find him returned to *Constantinople*, where he resided the whole year, or the greatest part of it. For on the *Noner*, or seventh of *May*, out of his tender Affection to this City, and to cherish that, which his Father had founded, he excused by an Edict the Citizens thereof, as well as his own Courtiers, from extraordinary Services, and Payment of Money for finding of Souldiers, willing that they should only pay for their Heads and Lands. Thus did he, as to this Privilege, make *New Rome* equal to the Old; providing in many other Respects besides, for the Peopling, and Adorning of it. But here he took Notice of a great Mis carriage, at this time, in the Payment of the ordinary Taxes and Revenue, which was, that if one had Lands in two several Cities or Provinces, they would get the Payment due in one to be removed to the other Place, and so both to be discharged in one together, which was termed *Translatio Conulationis*. Now the Advantage aimed at by obtaining a Privilege to do this, was not so much, for that they were any whit eased thereby, in finding the Payments left in one Place, than another; but because one Town might be more convenient than another, for Conveyance of the Money, by Reason of Distance, or the Badness of Ways; or when one had several Payments to make, he found it less inconvenient to be answerable to one Collector, than many. For these Reasons, one or more, it was sometimes indulged; but by manifold Experience, both formerly, now, and afterward, it was found to tend to the defrauding of the Publick, and lessening the Revenue. Upon which Account, it was severely prohibited under heavy Punishments inflicted, both upon such as obtained the Privilege, and the Officers of the *Præfatus Prætorio*, by Means of whom it was procured. For under this Pretence many might withdraw themselves from publick Burthens; the Collectors might well be ignorant what, and how much was due in another Place, and the Town from which the Translation was made, was but more burthened by it, no less a Sum being still Exacted, than what was before the Subtraction of the mans Share thus privileged. Besides the Order and Course of the *Fiscale*, Accounts were hereby much perplexed. "Therefore" did *Constantinus* by this Edict reduce it into the former and usual Channel, and by the same Law, at the same time, grant Immunity from extraordinary, and fardid Employments to *Senators*, and their Dependents. And this was but an Abridge-ment as it were of a larger Constitution of *Constantine* the Great, whereby he distinguished betwixt Privileges granted to Persons, in Matters relating to the *Collatio*, or Tax; defining, that such as respected a certain Order and Dignity should stand; but those that were given to particular Men, to the lessening of the publick Revenue, should be abolished.

He removes a  
Mischief in his  
Revenue.

Grants to Se-  
nators Immu-  
nity from Ex-  
traordinary &  
Sordid Em-  
ployments.

He Prohibits  
Appeals for  
Debts due to  
the Treasury.

14. The next year, into which fell the *Consulship* of *Eusebius* and *Rufinus*, being of our Lord the CCCXLVII, *Constantinus* had his Residence some time in *Galatia*. For from *Ancyra*, a City of this Country, he gave forth an Edict to *Theodorus*, the *Rufino Conf.* *Consularis* of *Cælo-Syria*, bearing Date of the fifteenth of *March*, and forbidding any Appeal to lye in Debts evidently due to the Treasury; which by another Law afterward he reinforces; by no means permitting these Appeals, either for Debts belonging properly to the publick Treasury, or that of the Patrimony of the Prince, lest the Commonwealth should be endangered by such Delays. From *Ancyra* he removed, not long after: for in *May* following he was at *Hierapolis* in *Syria*, whence another Constitution of his bears Date, which renewed the old Law, whereby the Estate of such Souldier, as died intestate, and without lawful Heirs, is adjudged, not to the Treasury, but to the Company wherein he served; it being presumed that by the Assistance of the Company, or *Legion*, he had got-

By another  
Law further  
encourages  
Souldiers.

A. D.  
347.

Chron. Hilar.  
Gothofr. ad  
345.

L. de Exatit.  
onibus, lib. 11.

Cod. Th. Tit. 9.

Dist. 4. Titulus  
Maii, Nifiss.

Amantio &  
i. e.

Albino Conf.

A. D. 345.

L. de Extra-  
ordinariis, five  
foriditis, side  
Gothofr.

A. D. 346.

Constantino &  
Constante 2.

A. A. Conf.

L. 1. de Con-  
tentionis Transla-  
tio publicat.

lib. 11. Cod. Th.

lib. 22.

Vide Comment.

Sec. 3.

Publisheth  
other  
valid  
Edicts.

One whereby  
he frees Caria-  
les from Cor-  
poral Punish-  
ment.

Constant also  
concern'd for  
Corporations.

And for the  
Provincials of  
Africa.

ten such Estate: and this is thought now reinforced, for the Encouragement of Souldiers, that still served in the *Persian* War. For in this War *Constantinus* was still exercised, making often Expeditions, and visiting the Borders of his Empire. The year following, though not from any Dates of his Laws, yet otherwise it appears, that he spent some time at *Edessa*, and at the beginning of the next, he seems also busily employ'd in the same Country of *Mesopotamia*; to the *Dux* whereof, *Antioch*, by name, he gave out a Constitution (now divided into two Laws) where- by he prohibits, both such as served the *Præfatus* or Magistrates of Provinces to be forced to go to War: and also, that the Sons of *Veterans*, or old Souldiers be admitted into the Service, or Attendance of the said Magistrates; which it was the Custom for them to look after, thereby to shun the bearing of Arms: and there- fore in times of Danger (as in this time) and in great Exigency of Affairs, they are by the Laws of several Princes drawn back into the Field. But by the begin- ning of *April* following, he was back at *Antioch*. "For thence he gave forth ano- ther Edict for the freeing of *Curiales*, or Officers of Corporations from corporal Punishments; it being too ordinary for the publick Ministers of the Provinces, to whom they were often subservient in publick Business, to beat and handle them too ignominiously; and this had been taken Notice of and forbidden by former Empe- rours, as also it was by others that followed: But this Immunity sometimes extend- ed to all, sometimes was limited to the Principal among them; and other whilst Exceptions were made as to several Cases, according as the Occasions, or the Plea- sure of Princes were different. The year that next followed *Constantinus* made another Expedition into *Mesopotamia*, and there continued some time at *Edessa*, be- fore he was recalled by fresh Provocations from the *Persians*, with whom he had a tedious and Unfortunate War, though we be ignorant of the Particulars, being no seldom- er than nine, or ten times worsted in Fight. But the Brunt being over for this Turn, he came back to *Constantinople*; whence after some Stay, he removed into *Pannonia*, having new Work made for him by this time in the *West*. For there his Brother *Constantus* was Overpowered by a Rebellion, and slain in *Gall*, in the Streights of the *Pyreneans*; which how it hapned, we must, as we have Intelligence, declare, after we have drawn down his Story from that place, where last we left it.

15. And his Story we must fetch from the same Fountains of the Laws, out of which that of his Brother is also derived, little of other Concernment being found written till after his Death. We find him, as well as the other, much concern'd for Corporations. For whereas other Laws forbid any to forsake the Duties and Offices thereof, upon Pretence of bearing Arms, he extended the Prohibition to the three several Companies or Bodies of the *Calcarientes*, *Fabricenses*, and *Argentarii*; commanding, that if any were found obnoxious to the aforesaid Duties, they should be forced back to their several Courts, without Benefit to be obtain'd by any Rescript or Dispensation. The Reader, by what has been already said, may sufficiently understand what the *Fabricenses* were, viz. such as made Arms; and the *Argentarii*, those that adorned them with Silver and Gold; amongst whom were reckoned the *Barbaricarii*; to which we shall here add, that the *Calcarientes* were others, whose Task and Employment it was to Burn and Prepare Lime, for Publick Works; for preparing of which, there were, not only certain Persons appointed, but certain Countreys bound to find the Stone, and particular Lands charged with this Service for the City of *Rome*, as appears from several Laws. This Edict bears Date of the twenty seventh of *June*, and on the twenty ninth of the same Month he sent out another Constitution to *Eusebius* Vicar of *Africa*; whereby he both gives an Historical Account of some Disorders and Oppressions of his Subjects of *Africa*, and endeavors to prevent the like for the time to come. He tells us, that besides the Solemn and Set Payments, much more was required of the *Provincial Africans*; and that most Unworthily by those called *Officiales*, and *Scholastici*; not only in the several Cities, but in Man- sions also: Provisions being Extorted without Money, both for themselves and their Horses or Animals. And he adds, that he is not ignorant how these *Scho- lastici* very often, besides Fees, received for Pleading Causes, Provisions and Ex- pense for their Journeys, by so great Incomes to Gratify their Avarice. There- fore he gives Command to all Judges to protect the People of their Provinces, and not to suffer these Injuries to go unpunished. Here are mentioned two sorts of Oppressors, and two sorts of Oppressions. The first is that of the *Officiales*, and their Crime is *Supercaration*, besides what was due to the Publick, for the ordina- ry Tributes of which they were the Gatherers, requiring their Charges over and above,

A. D.  
348.

Vide Chron.

Vide legibus  
citatum ad  
348.

L. 4. de Colo-  
nialibus, Cod.

Th. lib. 2. tit. 4.

L. 6. de Filiis

adulterum, Ap-  
pensionum &  
Pretorum, Cod.

Th. l. 6.

Tit. 22. Dat. 4.

Nones Febr.

L. 39. de Di-  
cationibus.

Vide admodum  
hoc Jus habi-  
tum lib. 2.

de Legibus, lib. 2.

de Min. Vide  
Comment. in

L. 1.

L. 1.

L. 1.

L. 1.

L. 1.

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Sec. 3. above, which the Law did not allow them. By *Scholastici* are to be understood, as is evident from the Law it self, no other than Advocates or Counsellors, by which Title *Agathias*, an Eminent Historian of this Profession, of whom hereafter we make much use, is also known. But being Accused, together with the *Officiales*, for the Exaction of Provisions, for themselves and their Horses, they seem not to have had Private Persons, but Towns Corporate, and Churches for their Clients.

16. In the following year, happened the unsuccessfull Engagement of *Constantinus* at *Singara*, near to *Niplos* & at that very time *Constantin* lay at *Treviri* (or *Trier*) whence he gave out an Edict to *Ensitabim* at this time his *Comes* *Rei Private*, preferring Rules, how Discovery of any Goods or Estates belonging to his Patrimony might be made. As that first, the Informer should go to the *President*, or Governour of the Province, before whom, if the Information was found Good, and Approved, this Judge was to make Report thereof to the *Comes Rei Private*; and then at length the Papers of the Information might be brought up to the Officers at Court; whither, or to the said *Comes*, leave was then given to the Informer to repair. By another Law dated not long after, on the second of *July*, he repealed a former Constitution made by him; and that at the Request, as it seems, of the *Roman Senate*. It had been the Law and Custom of old, that Appeal might lye from the *Præfess* of the City, and that by what *Peribinus* forever made. But *Constantinus*, some years before, had abrogated this Law; so far as it concerned *Senators* at least, whose *Præsul* and Judge of Course the *Præfess* of the City was, and therefore he forbade them to betake themselves to any other. But this Constitution standing as Probationer for some time, was found at length, to be very inconvenient, and unreasonable in this Respect, that what was first *P. Rom.* introduced for the Benefit of *Senators* (as this of the *Præfess* being their Judge) should be wrested to their Disadvantage, for a strange thing it was indeed, that privileged Persons, as those of that Order were, should be barred of any Relief that the *Jus commune* afforded them, especially this of Appeal. And probably it is, that *Ruficius*, who at present bore the Office of *Præfess* of the City, abused his Power, and therefore to him this new Edict for repealing the former Constitution, on, and Restoring the Old Law and Custom to its Antient Vigor, was directed: for within three days after, he was out of his Place, and one *Probinus* made *Præfess* in his Room. Some two years after this, we find him restraining a severe course of Proceeding in *Sardinia*, against such as delayed the Payment of Tribute. It had been the Custom to put such as denied it to Torture, or to beat them with Bullets of Lead; which, as Cruel and Servile, *Constantine* had forbidden, and given this Reason for it, that such Punishment was to be inflicted, not upon Innocent, but Criminal Persons. This Law *Constantinus*; his Son, now Reinforced by a New Constitution, by which also, as here, he provided for the Quiet of his Subjects, for he took care that his Revenue should not be Lessened, and that by removal of another Custom, which much tended to it. It happened, that when Persons were Owners of Ground, whereof some were good and fertile, but others barren, or good for little; upon all which, taken one with another, a certain Charge of Tribute lay; rich men catching Advantage ordinarily of the Necessities, or Poverty of such as ought these Lands, would buy of them good and fertile Grounds, then pay for them only according to their Quantity, and leave the other Share to be discharged by those that were poor, and whose Lands, as Barren as they were, could not sustain the Charge. To obviate this Practice he ordains, that the Barren be added to those that were Good; and that such as had purchased the fertile should pay the whole Tax arising from all when laid and counted together. This was called an *Epibole*, concerning which some have been egregiously mistaken, and these raised slanderous Reports against *Justinian*, as in due time and place will be discovered.

17. About this time there were great Complaints against the intolerable Influence of the Officers of the *Prince* his Patrimony; such as the Accountants, Solicitors, Farmers, and Hußbandmen belonging to his Lands, who bearing themselves high upon their Relation to him, imagined they might use greater Liberty than other Subjects; and because of the Privileges they enjoy'd, as Officers, or Judges, dur'd to meddle with, or correct them; the *Rationales*, as is probable to flow from their Authority bearing them out in what they did. *Constantine* sensible how misapert they were, had by an Edict given Power to the ordinary Judge of the Province, where they committed any Crime, to punish them no otherwise than any other unpriviledged Persons; but their Confidence, either overpower'd the Moder-

A. D  
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7. De Puti-  
onibus &c.  
od. In. lib. 10.  
t. 10. Dat.  
rev. Id. Maii  
mantis &  
lbino Conf.  
D. 345.

audum memi-  
mus sancien-  
bus nobis esse  
secretum, ut  
fueris veteris  
autoritate sub-  
stantia nullus  
clarissimus &c.  
P. R. Rom.  
text. Non. Jul.  
amantio &  
albino Conf.  
vide Comment.

L. 7. de Exa-  
tionibus. Cod.  
Th. L. 11,  
tit. 2.

4. de Annua  
a & Tributis  
Cod. Tb. lib. II.  
Tit. 1. Quae  
Conjiciuntur fa-  
sse Pars. ius-  
sem Constit.  
vide Gotthofr.  
3. 1. 1.

Chap. I.

ty of the Judges, or overwared the People, so that either no Complaints were made against them, or else the Governours of Provinces dared not to exert that Authority which was given them by the Law. By a new Constitution therefore *Constantius* puts the Judges in mind of, and encourages them to their Duty, willing them to animadvert upon these Men no otherwise, or less than upon the Provincials; whether by Imprisonment, Torture, or Death it self, which Remedy he hopes may prove effectual against this Inveterate Dissembler. And indeed such wholesome and severe Laws were found necessary against these Officers belonging to the Prince his private Estate; against the Insolence of Souldiers, and the *Aggravation* in *Rebus*; which three sorts of men presuming upon their Relation, lived, as if obnoxious to no coercive Laws; yet had *Constantine* thought fit to have them more severely punished than others, as such, who ought themselves to preferre good Rule, and give good Example: and they have been judged to be burnt alive, all Encouragement being given to the People to come in, and inform against them. And whereas their Insolence made them as peremptory to refuse the Payment of Tribute, or publick Duties, as bold to commit greater Offences; by the same Constitution (divided into these two Laws) he commands, that they be forced to discharge these publick Debts. This same year being at *Siramin*, he directed another Constitution to *Silvanus*, the *Comes*, and *Magister Equitum* and *Peditum* for the Reinforcement of Military Discipline; forbidding any *Tribune*, or Officer to give leave (*Committas* the word is) to any to depart from his Colours, or connive at his Departure, under pain of forfeiting five pounds of Gold. And as hereby he provided against Souldiers their quitting of Service; so also by the same Edict (divided, as the former, into two Laws) against the Attendants, Officers, or Servants of the Magistrates, their forsaking their Attendance upon other Pretexsts. This Constitution was signed on the 27<sup>th</sup> of *May*; and on the thirtieth of the same Month, followed another Edict directed to *Titanus*, the *Præfatus Prætorio* of *Gall*, and therefore must have been of *Constantius* his making, within whose District or Share of the Empire that Country then lay. It was not lawful for Souldiers to take Families with them, when they went upon Service; and if they did, they must have Warrant and Leave expressly granted for it. Now it hapned, that many getting License to convey their Families; the *Curfus Publicus*, of which in such case they were permitted to make use, was much burthened, and several Inconveniences hapned from these Impediments in the Camps; therefore there was need to have it explained, what was meant by a Family, that so it might be known what Company they might be allow'd to take with them. "And this *Constantius* by this Edict performs, interpreting by Families, their Children and Slaves; not all, but such as had been purchased by their *Castrense Pecunia*; whereas otherwise, the word *Family* was of a far larger Signification.

For the *Cury*  
*Publicus.*

*Magnentius*  
Rebelleth.

18. But, it is probably conjectured, that for the making of this Law, a Matter of far greater Consequence gave the occasion, and That no less than his own Safety and Preservation. For now about this time, so great a Faction arose, that at length he was overpowered, and destroyed by it. The Rise of this Faction was in *Gall*, to the *Præfēt* of which, this Edit is directed; the Army whereof he might have just Cause to fear; would, under Pretext of Souldiers having their Families with them, be filled with a Confluence of *Barbarians*, and particularly the Nation of the *Franki*, now hovering upon these Parts, and serving in the Armies. To be sure shortly after, if not at this time, brake out the Rebellion of *Magenzinus*, who himself was descended of the *Latī Franci*, was supported by that People, and to whom this *Titanus* the *Præfēt* did adhere. *Zotimus*, no Friend to *Constantine*, and his Sons, fetches the Original of the Revolt from the great Extravagancy of *Constanti* his Life, who after the Death of his Brother, as he writes, carried himself like a Tyrant, and harassed his Subjects with all sorts of Cruelty; whom he permitted to be oppressed by such *Barbarians*, as he had bought for the gratifying of his Lust, and by such as were Hostages in his Court. This his Followers taking to Heart, and seeing him wholly given up to the Pleasure of Hunting, began to contrive his Destruction, under the Guidance, and Encouragement of two considerable men; whereof the one was *Maxellinus*, *Præfēt* of his Treasury; and the other *Magenzinus*, *Signor* of *Orléans*, who commanded the *Yoviani*, and *Herculiani*; two Legions so called. The Device to bring about their Design was this: *Marcellinus* gave out, that he would celebrate the Birth-day of his Son, and invited to the Feast, both *Magenzinus*, and

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1. de Juris-  
dictione Cod.  
lib. 2. tit.  
1. Dat. 5. Id.  
Mar. Limesis  
Catulano  
on's. A. D.

6. de Exa-  
tionibus Cod.  
eiusdem lib. 11  
tit 5.

est enim Com-  
munitas Episto-  
larum Missionis.

2. de re Mi-  
tari Cod. Tor-  
d. lib. 7. tit. 1.  
L. 3. de di-  
versis Officiis.  
Dat. 6. Calen.

3. de re Mill:  
arè vide Com  
ent.

*Dist. lib. 2;*

*Sigonius de Oed.*  
*id. Inq. de*  
*5.*

Sect. 3.

and many other of the most eminent Commanders. The Entertainment lasted till Midnight, at which time *Magnentius* withdraws himself, as upon some necessary Occasion, and within a little time returns to the Company, dressed in Imperial Robes, and attended by his *Satellites*, or Guard. Some of the Company were doubtless provided and prepared before hand; but most, as it seems from *Zosimus*, looked upon it but as a Play, or a Jest; and probable it is, that if the Plot had not taken, for such it would have been owned, and might have passed. But those that were of the Conspiracy saluted him with the Title of Emperor; and the rest, whether surprized with the thing, and for want of Recollection, or affrighted at so strange a Passage, did like their Fellows; there being among them also several of the chief Citizens of *Augustodunum* (or *Autun*), where this part was acted; by means of whom all the Inhabitants were induced to salute, and own him, as *Augustus*; such as had any mind to oppose, wanting Strength, and Assistance, so that he seized on the Palace, and distributed Money amongst the Rable.

Procures  
Constans to be  
murdered.Constans his  
Character.

19. Having thus far proceeded, he caused the Gates to be carefully watched, admitting every one in, but suffering none to go out, and give Intelligence what was done. And now having got the Approbation of certain *Illyrian* Troops, who were newly arrived for a Supply, as well as that of the *Gallick* Forces, he sent away one *Gaiso*, with a Party of Men, to make sure of *Constans*. He having got some Notice of what had passed, had cast off the Robe, and endeavouring to make his Escape, came to a place called *Helena*, a Village adjoining to the *Pyreneans*, where *Gaiso* having made Inquiry for him about the *Rhofne*, at length found him, and murdered him with his own hands; fulfilling, as is said, what was foretold him, that he should dye in his Grand-Mother's Lap, because this Village bore her Name. And so perished *Constans* in the tenth year, after the Death of *Constantine*, his Brother, in the Consulship of *Sergius* and *Nigrinianus*. A. D. CCCL. This Prince was much Subject to the Gout, which Disease is to be ascribed to his intemperate Course of Life; for of this, most Authors do make him Guilty. Being not able to look much after Business himself, it behoved him to get able Ministers; but he is accused to have made no good Choice; and not have preferred men for Merit, but for Money; which necessarily hurried him into great Inconveniences: For such Persons by their oppressing the People, brought great *Odium* upon his Government; while they laboured, not only to reimburse, but enrich themselves. And whereas his Infirmary of Body rendered him unfit for Action, he was no way acceptable to Military Men, in whom that inveterate Humour of making, and unmaking Emperours was still Predominant, and so continued for many Ages. Yet did he keep the neighbouring Nations in Peace; which he effected, rather by procuring Hostages, than any Awe or Terror of his Arms. He was also fortunate herein, that no publick Calamity hapned in his Time, but the Provinces under *Magnentius*, under his Jurisdiction rejoiced in constant good Weather, and plenty of all things. Nay his Jurisdiction, one of the best Writers, assures us, that at first his Government was vigorous and just, and that he had achieved very noble Enterprizes by his Arms, and was through all his Life-time feared by the Souldiers, yet without any great matter of Cruelty. However, (4) another wishes that his Vices had continued; for by reason of the Disasters which afterward hapned, and the Wickedness of such as followed him, they were all utterly forgotten; and that Reign of his deservedly wished for, to have returned, if it had been possible.

A. D.

349.

Quasi vero  
pugnantes  
sciret in eam  
que fuerant  
luculentius  
causa.

A. D.

CCCL.

Aurelius Pl.  
dixit. (4) Victor de  
Caesaribus, Qua  
tamen Plinio,  
vixit non mani-  
festis; namque  
Magna, ut  
his Jurisdiction  
rejoiced in constant  
good Weather, and  
plenty of all things.  
Nay his Jurisdiction,  
one of the best  
Writers, assures us,  
that at first his  
Government was  
vigorous and just,  
and that he had  
achieved very noble  
Enterprizes by his  
Arms, and was  
through all his  
Life-time feared by  
the Souldiers, yet  
without any  
great matter of  
Cruelty. However,  
(4) another wishes  
that his Vices had  
continued; for by  
reason of the  
Disasters which  
afterward hapned,  
and the Wicked-  
ness of such as  
followed him, they  
were all utterly  
forgotten; and that  
Reign of his  
deservedly wished  
for, to have returned,  
if it had been possible.

Sect. 4.

Sect. IV.

A. D.

350.

From the Death of Constans, to that of Constantius.

The Space of Eleven Years.

Magnentius  
causeth the  
Magistrates in  
the Country  
to be Murder-  
ed.

Nepotianus sets  
up for himself.

Is Defeated  
and Slain.

1. FOR, the Disposition of *Magnentius*, was very Naught, which the Romans much attributed to this, that he came of a Barbarous Nation. Elevated by his Success, before he heard of the Death of *Constans*, he sent, in his Name, for such Magistrates in the Country as were most Eminent, and caused them to be Way-laid and Murdered; in which point he spared not some of his own Conspirators. His two Brothers, *Decentius* and *Deliderius*, he declared *Cæsars*, and sent them to make sure of Gall and Spain; as he also Dispatched others into Italy, to secure that Country; that after he had killed, he might take possession of the whole Inheritance. But, as soon as the Death of *Constans* was heard of in Italy, one *Nepotianus*, the Nephew of *Constantine* the Great, by his Sister *Eutropia*, had taken the Purple; and having got the Assistance of a Company of *Gladiators*, and Persons of Desperate Fortunes, went to Rome; which when he found seized by those that *Magnentius* had sent (the People being betray'd by *Heracleides*, a Senator) he laid Siege to the City. Upon sight hereof, *Anicius*, who had been by *Magnentius* made *Præfectus Prætorio*, brought some of the ordinary sort of Romans out against him, and engaged in Fight; but finding them to be Worthless, he Retired into the City, shut the Gates, and left them all to be slaughtered by him. But the Encouragement which *Nepotianus* receiv'd by this Success, was shortly turned into the other Extreme, by the coming of *Marcellinus*, now the *Magister Officiorum*, who being sent by *Magnentius* with an Army, Engaged, and Defeated him in Battle, took him Prisoner, and cut his Head from his Shoulders; which he caused, with Insolence enough, to be carried in Triumph, and shewn about the City. Such was the end of *Nepotianus*, who having on the third of June assumed the Name of Emperor, perished in this manner, the twenty eighth day after. But though he was Dead, *Magnentius* was not freed from the fear of Competition, over and above the Apprehensions he had of what *Constantius* from the East might attempt against him. For, this year was fruitful in Tyranny and Usurpation. He began the Tragedy on the first of February, and on the first of May following, one *Vetranio*, who Commanded the Army in *Pannonia*, hearing thereof, resolved to Act his Part too, having as much Right and Encouragement as the other; and being also saluted *Augustus* by his Souldiers, placed his Scene at *Mursa*, a Town of that Province. We have seen already how *Nepotianus* made his Exit, and now must fetch *Constantius* out of the East, before we can see the finishing of the rest.

Sapor besieges  
Nisibis.

And departs  
with loss.

2. *Constantius* had received news of his Brother's Death, and the Usurpation of *Magnentius* with such Regret, as was suitable to Natural Affection, and the Interest of his Family; and desired above all things to Chastize the Treason. But at this time he was deeply Engaged in the Persian War, with *Sapor*, who having news of these Disturbances in the West, with a great Army Invaded, and Harassed *Mesopotamia*. He laid Siege to *Nisibis*, Attacked it with his Battering Engines; and finding stout Resistance from those within, by a Ditch drew the River away from them, that the want of Water might constrain them to yield. But the Townsmen, by digging of Wells, and the Fountains in the City, made shift good enough to supply this want: which he perceiving, by a sudden stoppage of the Stream, forced the River against the Town, and it broke down part of the Walls, which yet the Defendants again, by their extraordinary Industry Repaired. So that having in vain betaken himself to other shifts, but none succeeding, he despaired of Success; and word being brought him, that the *Massagetae* had Invaded his Dominions, he returned home, having lost a great part of his Army. *Constantius*, glad of the Leisure hereby afforded him to attend his Affairs in the West, and sensible in what danger they stood, bent all his Endeavours for the Reducing the Provinces Revolting. In the first place, he took care for the Reinforcing of his Armies, and that by an Edict directed to *Cretio*, one of his *Comites* of the Militia upon this occasion. It was not lawful for Officers at any time, no not in Peace, to dismiss any Souldier,

Sigisius.

4-4-4 Rhodili-  
ari, Dux 3 Kpt.  
Tal. Sergio &  
Nigriniano  
It. Coll. A.D. 350.  
dixit hoc loco  
Ced. 3. Nigriniano.

N

or

**Sect. 4.** or give him leave to lay down Arms, except he was either *Emertus*, (had served his whole time) or else want of Health and of Ability required it. Yet this had been practised, and Commanders adventured to do it at such time when there was no danger of any Irruption from the Enemy, and the Borders seemed to stand in no need of Defence. *Cretia* appears to have been guilty of this Indulgence, as well as his Brethren, and to have presented an Excuse of this nature to the Emperour, pleading, that in his District there had been no occasion for the Use of his Men. Of this *Constantius* takes notice, as seeming to remit what was "pact to him and his Fellow-Officers, he yet enjoys them, upon this Occasi-  
on, to force back to their Arms, all that without Legal Cause had been Dis-  
charged."

3. From *Mesopotamia* he removed into *Pannonia*, the following year, which was *Chronica. Hister*, very Notable in this respect, that there were no Laws made in it, (however that appear to us) neither any *Consuls*; at least, for such acknowledged. For though *Magnentius* and *Gaisio* were so made in the *Western Parts*; yet being in the *Ufur-*  
pation, they are not named; and therefore the Year is thus Characteriz'd: *After*  
*the Consulship of Sergius and Negrinianus. Constantius*, in his March from *Constantino-*  
*ple*, met with Messengers sent from *Magnentius*, to desire, that with his Approbati-  
on he might Reign in the *West*; which he thought he might with the more Con-  
fidence ask, because he should be content, that the other might have the Prece-  
dence in the Dignity. While *Constantius* considered what to return in Answer, they report that his Father appeared to him the Night following, in a Dream, and holding *Consians* in his hand, should bid him look upon his Brother, whom, de-  
scended from so many Emperours, a Tyrant had Murdered. That therefore he ought to revenge his Death, and not suffer the Imperial Throne to be so much Abused. Awakening in the Morning, he committed the Messengers to Custody, and marching away with all speed, came to *Sardica*, a Town in *Dacia*. But consider-  
ing the Importance of the Affair, that he might not have two Enemies to deal with at once, he resolv'd, if possible, by some Art or other, to gain over to him *Vete-*  
*ranus*, that with his Forces he might jointly make War against *Magnentius*, and so Destroy one Ufurper by means of another. Neither was *Magnentius* so dull, as not to apprehend, the like Advantage would make also for his Interest; and there-  
fore each of them endeavoured to make him his own. But *Constantius* came so sud-  
denly upon the Old Man, that the Surprise gave Perfection to his former Inclina-  
tions already bent towards him, as most fit for his Friendship and Alliance; would, as the Lawful and Undoubted Emperour, bring sufficient Repute to his Enterprize, and give him an Undoubted Title. Therefore he went out to receive him upon his Approach; who, when they met, embraced him, and called him Father, in respect to his Age; carried him along with him to *Sirmium*, set him at his Table, and consulted with him how to carry on the War.

4. Matters being accorded betwixt them, they both ascended the Tribunal, to speak to the Souldiers; where the Dignity of *Constantius* his Original requiring that he should have Precedence in Speech, as well as in Place; by all the moving words he was able, he put them in mind of his Father's Liberality to them, and how many Oaths they had taken to bear intire Affection and Allegiance to his Sons; and therefore he laid before them, how inexcusable a thing it would ap-  
pear, if they suffered *Magnentius* to go unpunished, who had laid Violent hands upon a Son of *Constantine*, that had been to them so great a Patron and Benefactor. The Souldiers were so much herewith affected, that (being also Bribed lustily) be-  
forehand, if you will believe *Zosimus*) they Cried out, Away with all Counterfeit Emperours, and pulling *Veteranus* down from the Bench, drew the Purple over his Ears, and Voted him to a Private Life. Who thereupon cast himself at *Constantius* his Feet, and he, moved by the extreme Age of the man, easily pardoned him his Ufurpation; and Confining him to *Prusias*, a City of *Bithynia*, assigned him a sufficient Revenue, and bestirring his Quality, where he spent the Remainder of his days: A man of a rough and ungentle Humour, and very silly. *Constantius* thus  
rid of one of the Ufurpers, and strengthened by the Accession of his Forces, was much encouraged to proceed in his Enterprize, and to March for *Italy*: But seri-  
ously considering farther of his Affairs, he found the Estate of his own Family but very Uncertain and Ticklish; which, though secur'd from the Ufurpations of Strangers, yet was like to fall to Nothing of it self. His Brothers were both Dead, and he himself having no Issue by his Wife, there remained only of his Family, *Gallus* and *Julian*, the Sons of *Constantius*, his Uncle, the Brother of *Constan-*  
*tine* the Great; after whose Death he miscarried, as was before said. Now so

A. D.

351.

The Year 351  
had neither  
Laws, nor  
Consuls.

Constantius  
goes against  
Magnentius.

Brings over  
Veteranus to  
his Party.

The Souldiers  
moved by his  
Speech, De-  
pose Vetrano

**Sect. 4.** long as he himself had hopes of Issue, left they should ambitiously Attempt any thing, he held a strict hand and eye over them, and put them not into any manner of Employment; no not so much, as one observes, as amongst the *Suffetti*, or Honorary *Consuls*. But now perceiving, that by means of these Ufurpations, there would be a contest, not only betwixt particular Persons, but Families too, it was in vain to Contest for that, which was likely of it self to fail, if the Succession were not settled in it. He therefore conferred on *Gallus* the Title of *Cesar*, and gave him for Wife his Daughter *Constantina*. Whether more for this Reason let the Reader judge, than that which *Zosimus* out of his palpable Malice to *Constantine* and his Posterity assigns, viz. That he might thereby have an Occasion to destroy him. For after his Death he did the same to his Brother *Julian*, as we shall see. But there was also need, which *Zosimus* and others hint, of having some one in his absenceto watch the *Persians*, and secure the Provinces of the *East*. The Care and Endeavour, as we have formerly said, of one Man, not sufficing for the Administration of Authority and Power in all Countries, at so great a Dis-  
tance.

5. *Gallus* therefore having then received the new Name of *Constant*, and being made *Cesar* on the fifteenth of *March*, was sent away to *Antioch*, there to attend the Motions of the *Persians*. *Constantius* was wholly intent upon the War against *Magnentius*, and resolv'd to find him out; but he prevented him, thinking it more prudent to begin elsewhere, than to expect any Action in those he called his own Dominions; and from *Gall*, and *Italy* departed unto *Noricum*, and thence into *Pannonia*. In his March he sent to *Constantius*, to let him know, that he would expect him in the Plains lying near to *Sciscia*, which the Emperour liked well enough, that Ground being very Convenient for the Fighting of Horse; but was stopped at the Straights of *Adrana* by an Ambush laid for him by *Magnentius*; who much Elevated by the Success, endeavoured to break into the Inner *Pannonia*, desirous to fight near the City *Sirmium*. While he was consulting how to pass his Army over the River *Savus*; one *Philip* came to him on a Message from *Constantius*, under pretence of making a Peace and Alliance; but indeed to make a Discovery of his Strength and Designs. *Magnentius* calling his men together, gave him Audience. To which admitted, he declared his Errand was, to make known to the Army how unfeely a thing it appear'd, that they who were Subject to *Romans*, should against *Romans* bear Arms; especially having *Constantius*, the Son of *Constantine* the great, for Emperour; that *Constantine*, under whose Conduct they had obtained so many Victories over the *Barbarians*. As for *Magnentius*, he was to be admonished to Reverence the Memory of *Constantine*, and call to mind the several good Offices done by that deceased Prince, both to him and his Parents; to quit *Italy* out of a Sense of his Obligations to the Family, and content himself with being Emperour over the *Transalpine* Provinces. This Speech of *Philip* so moved the Souldiers, that they would scarcely give *Magnentius* leave to answer. Who in short replied, that he gladly embraced Peace, and would give in his final Determination, the Day following. Then did he invite the principal Officers of the Army to Dinner, and having brought them fully over to his Interest, consulted what to do. The next day he again called the Souldiers together; and to obliterate the Sense they had of what *Philip* had said concerning *Constantine*, he much inculcated the several Affronts they had received from *Consians*, his Son; and how to avoid these Injuries and Indignities, they had promoted him to the Imperial Dignity; with which or the like Words, they were again so possessed, as to cry out, that the War was to be prosecuted; and resolv'd it was, that they should pass the *Savus*. This being known to those that lay in Garrison in *Sciscia*, on the opposite Shore, they resolv'd to hinder their Passage, and repul'd such as endeavoured to land from off the River, or from the Bridge, with such Success, that they routed, and put them to flight, to a great Distance. *Magnentius* seeing into what Danger he was brought, made a signal for a Treaty; and gave Notice, that without the Emperour's leave he would not pass the River. To which *Philip* answer'd; that if he quitted *Italy* and *Noricum*, and departed into *Illyricum*, then would the Emperour consent to a Treaty.

6. He pretending to Acquiesce herein, *Constantius* caused his men to leave the Pursuit, and suffered afterward *Magnentius* to enter into the middle of the Plains of *Pannonia*, because his own Strength lay most in Horse, and if he came to an Engagement with him, that Place would be most convenient, which lay near *Cibale*, where *Constantine* had formerly defeated *Leinius*. Part of his Army lying now in the Town, he drew a line from the adjoining Hill, all a long the space of Ground

Constantius  
confers on his  
Cousin Gallus  
the Title of  
Cesar.

He proceeds  
against Mag-  
nentius.

Is stopped at  
the Straights  
of Adrana.

Zosimus adds  
Philip.

Magnentius at-  
tempting to  
pass the Savus  
is repulsed.

Constantius  
suffers him to  
come into the  
Plains of Pan-  
nonia.

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Chronica ad  
de. 350.

Seft. 4. which at the Foot of it, lay towards the River: by which means he fortified all that Side which the River did not touch; and over the River he laid a Bridge of Boats, which he might remove at his Pleasure. Here entertaining his Officers at a Feast, one *Titian* a Roman Senator, had the Boldness to come from *Magnentius*, and in his Name reviling *Constantine*, and his Sons, to command *Constantius* to quit the Purple, if he would save his Life. With whose Language, though the Emperor was very much moved, yet he suffered him to return unpunished; although *Philip* his own Ambassador, took it by Assault, and laid it even with the Ground; and having waited all the Country lying upon *Savus*, went to *Sirmium* to seize on that too, but was repulsed and defeated in his Councils by the vigorous Opposition made, both by the Townsmen and the Garrison. Thence he departed, and halted to have better Success at *Mursa*, where yet he was more deceived in his Expectations. For the Inhabitants so strenuously demeaned themselves, and so plied him with Darts and Arrows, that not having with him any Engines of Battery, or other means to approach the Walls, he was very much distressed. And now *Constantius* having Intelligence hereof, quitted *Cibale*, and the Country lying upon *Savus*, and halted to relieve the Place. *Magnentius* endeavoured by Fire to make his way through the Gates, and this Attempt being also defeated by the great quantity of Water, which the Defendants poured down from the Walls, he then heard of the Approach of the Emperor, and resolved to surprise him by an Ambuscade, laid in a Place adjoining, which was very full of Trees. There he bestowed four thousand *Galls*, with Command, that when the Fight should begin before the Town, they should fall upon the Back of the Enemy; that being on all sides beset, he might not Escape. But Notice hereof being given to *Constantius*, by those that observed it from the Walls; he sent away *Scalodas* and *Manadas*, two Tribunes, with the choicest Souldiers they could take out of the Legions; who stopping up all the Avenues to the Place, that none might get out, cut off the whole Party.

*Magnentius* takes and razes *Selcisia*.

Repulsed from other Places.

*Constantius* goes to the Relief of *Mursa*.

Overthrows *Magnentius* in Battle who flies into Italy.

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7. *Magnentius* seeing his cunning Devices to take no Effect, then resolved to try what plain and open Force would do, and gave Battel to *Constantius* in the Champion lying before *Mursa*; and so fierce a Battel was fought, with that Resolution and Pertinacy, as in the Opinion of *Zosimus*, none in all this War was like it; which much afflicted *Constantius*, though he himself should get the Better, foreseeing how exceedingly the Empire would be weakened thereby (so many Brave men falling) and exposed to the Attempts of the Barbarous Nations. This made him, while the Fight yet continued, to cast in his mind how to end the Controversie by a Treaty; but the Animosity of both sides was so great, that the Darkness of Night it self could not part them; but they still with their Swords and Spears laid at one another; as if seeking it their Happiness all to dye together upon the Spot. The Officers omitted nothing becoming them, either as Souldiers, or Commanders, and many of them lost their Lives; whereof two or three deserved to be recorded to Posterity. One of these was *Arcadius*, Tribune of the *Alabes*; and another *Menelas*, who was Captain of the *Armenian Archers*, that fought on Horseback. *Zosimus* tells us how it was reported, that this *Menelas* with one and the same Bow would shoot three Arrows all at once, and therewith kill three several men; by which Means he destroyed great Numbers of the Enemy, and in a manner was the Author of their Defeat: but being on *Constantius* his side, he was killed by *Romulus*, the General of *Magnentius* his Army, who yet had no great Cause to boast of his Success; except in this, that he killed his Killer; for he first received a Wound from his Hands, which notwithstanding he gave not over till he had revenged it; but of it he died. At length *Magnentius* his men began to give Ground, and a great Slaughter followed; of the Event whereof he being sensible, and fearful that he should be given up by them into the Emperor's Hands, resolved to abandon these Places of *Pannonia*, and get into Italy, there to recruit, and try his Fortune another time. And for this Purpose he quitted his Horse, adorned, as he was, with the Imperial Ornaments, and let him go loose, that the Enemy might imagine the Rider to be slain. *Constantius* as soon as it was light, from an adjoining Hill viewing the Plain, and seeing the River, which run by it, full of dead Bodies, wept at the Sight; and being more troubled at the Slaughter of so many men, than joyed at the Victory, commanded, all that died to be buried without Distinction, and such as were wounded to be carefully look'd to. Some say, that thirty thousand of *Magnentius* his side fell in this Fight. But in few Battels was the Strength of the Empire more impaired than in this, which was fought on the twenty ninth of August.

8. Con-

Seft. 4. *Constantius* stays in Pannonia.

Makes a Law in favour of Eunuchs.

Confirms what his Father had Granted out of the *Res Privata*.

Pursues *Magnentius* into Italy.

Publishes an Act of Oblivion to draw away his men.

And another Edit about the choice of new Souldiers.

8. *Constantius* staid the Remainder of this Year at *Sirmium*, and the greatest part of the next also, as appears by the Dates of several of his Constitutions, made, when he himself was Consul the fifth time, together with *Constantius Caesar*, although *Decentius* and *Paulus* were Named in Italy by *Magnentius*. Into Italy *Constantius* sent some to pursue the Usurper, but without any Good Success, their former Prosperity Engaging them too far in Prosecution. He himself in *Pannonia* attended as well the Civil Affairs of the Empire, as Preparations for a Vigorous Reinforcement of the War, which is Evident from several Laws he made, while he had his Residence in these Quarters. He was a great Favourer of Eunuchs, being much Governed by them; and whether at the desire of any of them or no, now Directed an Edict to *Rufinus*, the *Præfides Prætorie*, whereby he Granted them liberty to make Testaments, or Declared them to have Power to do so. For whether they could do it, or not, there was cause of Doubt, for that this Liberty was granted only to those who had arrived at Puberty, whereas Eunuchs do not pubesce at all; they being, as the Emperor *Alexander Severus* termed them, a Third Kind of Men; and for that reason *Numerus* the Consul, denied to *Gensilius* the possession of an Estate, according to the usual way. And though formerly such had Power to make Wills, yet it was not till the Eighteenth year of their Age, at what time Puberty ordinarily is found with all men. But *Constantius* gives them by this Law the same Privilege as others enjoyed, both as to the making of Wills and Codicils, provided the usual Solemnities were strictly observed. But it was his Interest to Oblige other sorts of Persons, besides Eunuchs. Removing to *Salabria*, another City of *Pannonia*, by another Edict he removed the Fears of such as were in danger to be cast out of Possession of what had been given them by *Constantine* his Father; that Prince had had been the most Bountiful of all others, especially to Churches; and that out of the *Res Privata*, or his own Private Patrimony; which Gifts, while he yet lived, by several Persons went about to make Void and Null: and this moved him by several Constitutions to provide for the Establishment and Ensuring of them. Now, being Dead, several Courtiers and Eunuchs especially, to have the greater opportunity of getting, endeavoured also to Reduce these Grants to their Fountain, and Relieve them to the Emperor's Estate, which he obviates by this Constitution. Being again returned to *Sirmium*, he did a thing Grateful to the Souldiers *Eunuchs*, or *Veterani*, by a Decree directed unto *Helpidius*, the *Consularis* of *Pannonia*, wherein he by him Confirmed the Privileges formerly Granted to them; and particularly, Immunity from Personal Services.

9. But *Magnentius*, as we said, being Beaten out of *Pannonia*, went into Italy, and betook himself to *Rome*, whom *Constantius*, when all things were ready for his Expedition, pursued in Person. His Captains, though at first they seemed to have had no good Success, yet now, Animated, as it were, by the Emperor's Presence, had the better of the Tyrant; and *Constantius* himself breaking into *Aquileia*, he was driven from the City, and out of the Country about *Autunna*, or the Month of September, and fled into *Gall*. About this very time, to remove Desperation from all that had taken part with him, or been drawn into his Party, *Constantius* published an Edict, whereby he granted free and full Indemnity and Pardon to them, such only excepted, as had together with him, been guilty of the many Murders committed since the Revolt. And the more to inhaunce the just Repute of the Military Profession, by an Edict he forbade, that any should obtain Privileges granted to the *Veterani*, or those that had served up their full time in the Camp: But for a vigorous Prosecution of this and other Wars, all Encouragements would little prevail, if there were not had an especial Care of the Choice of *Troops*, or new Souldiers, concerning which we must acquaint the Reader with a matter of Importance, relating to this very Age whereof we write. They were wont, in old time, to raise *Troops*, or new Souldiers, for Supply of the Armies; but this was nothing comparable to the Invention of these Ages. For now (as is at this day practised here in England, in forming the Militia of the Counties) Persons were charged with finding men to serve in the Armies, according to the value of their Lands, or other Estates; which Institution was good and laudable, tending in it self, to the increase of the Power Imperial, and the Defence of the Provinces: but so it was managed, that it proved rather the Destruction of them. For some furnished out, either such as were either unfit for Service, or else Cowards, which absented themselves, and often ran away. Therefore to obviate the Fraud of the Provincials in this Matter, *Constantius* now published another (a) Constitution, for the Proof of the Original, Age, Stature and Condition of such as were sent to serve. Their Original was to be approved, and that before the

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**Seft. 4.** *Decuriones*; left that any by braking himself to the Army, should desert the "Service of Corporations, or any other should quit the Army, and shelter himself" in their Employments. To prevent which, several Laws were made, as we have already hinted. Now the Service which *Legions* performed, was very hard and severe, in Comparison, especially, of the *Auxiliary Troops*; so that in them there was no Fear, that any would lift themselves to shun the Services of Corporations; but that of the *Auxiliaries*, being mild and easie, he ordains, that into them none should be admitted without a Certificate obtain'd from the Judge of the Province, that the Person was no *Decurio*. And lastly, whereas the Age of such as were sent into the Armies was wont to be raw, (and indeed it differed, both according to the Customs of Countries, of several times, and the Laws) he limits it at perfect Puberty (Puberty being always the General Rule, but ordinarily the First, and Beginning) when they had pass'd their nineteenth Year.

10. This Law, we may Rationally enough conclude, was made, on purpose for the more Vigorous carrying on of the War against *Magnentius* in *Gall*; for now was it Prosecuted with all Industry imaginable; and the Success was such, that in the very following Month, after the Date of it, *Constantius* reaped the Fruit of his Labours, and the other received the Reward of his three Years and six Months Usurpation. But the Opposition he made was so Resolute and Pertinacious, that several Fights happened betwixt them, with various Success. At length being Worsted in a place not far from *Lugdunum* (or *Lions*) he betook himself to an adjoining Hill, where, seeing his Men discouraged, even as almost to Despair of any Safety, he made a Speech to them, to cheer their Spirits; to which, when they Assented, as the manner was; by a strange Mistake, they saluted him by the Name of *Constantius Augustus*, instead of *Magnentius*. Herewith, as an ill Omen, exceedingly dejected, he departed to a Village call'd the Hill of *Severus*, belonging to the *Cottian Alps*, and thence sent to the Emperour a Messenger a Person of *Senatorial* Rank, about a Peace, whom *Constantius* did not admit to his Presence, supposing him but to be a Spy, as neither several Bishops employed on the same Errand; but, many of his Souldiers falling off to him, halted to find him out, and put an End to the Controversie. *Magnentius* perceiving there was no Place left for Pardon, resolv'd then to do his Worst, and reinforcing his Army, as well as he could, that he might give a Diversion to the Enemy, he sent one away to *Antioch* to murder *Gallus Cesar*, who afterward was discovered, and suffered as a Traitor. Then followed, at the Place last mentioned, whither *Magnentius* had betaken himself, another Engagement, wherein he was again Worsted, and thence fled to *Lions*. Those that escap'd with him, now utterly despairing of their Cause, resolv'd to give him up to the Conqueror, and for that Purpose watched the House where he lay; which observ'd, drove him into such Fury; that his Friends and Relations that were about him, he first slew with his own hand, and having mortally wounded his Brother *Desiderius*, amongst the rest, at last dispatched himself, lest he should fall alive into the Power of *Constantius*, and be put to a lingering Death. Having fix'd his Sword-hilt to the Wall, he ran against it, and so with a great Issue of Blood at his Nostrils and Mouth, as well as the Wound, he let out his Life, about the beginning of *August*: For as to the precise Day, Writers differ. *Decentius*, his Brother, halting to his Relief, when he heard of his End, hanged himself, at *Senone*, on the eighteenth of *August*. *Magnentius* was a man of a vast Body, and as extravagant Morals; and thus having reaped the Fruits of his Usurpation, and Tyranny (for he first by murdering his Sovereign, cast dirt upon the *Christian* Name, if a *Christian* he was) the Monarchy of the *Roman Empire* was again devolved upon *Constantius*, in the seventeenth year of his Reign, the eleventh Indiction. *A. D.* CCCLIII; he himself the sixth, and *Constant* (*Gallus*) the second time being *Consul*.

11. The Report of *Magnentius* his Defeat and Death, being arriv'd at *Rome*, *Nepotianus Cerealis*, who had been *Præfēt* of that City since the twenty sixth of September of the preceding Year, Erected a Statue to *Constantius*, with an Inscription, Declaring him to be the Restorer both of the City and the World, and the Extirpator of the late pestiferous Tyranny, as he terms it; which Inscription, as *Baronius* tells us, by the Mistake of him that Copied it out, was judged to have related to the Times of *Constantine*; but he now restores it to its proper Place, which indeed, had been already done to his hand, whether the Cardinal knew it or not, by *Signonius*. But *Constantius* coming to *Lions*, that he might take away the Fears of such as had been guilty of the late Defection, and so settle these Parts in their former

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Chronicon.

Hilf.

Vide Chronicon.  
Hilf. ad  
A. D. 353.Restitutori  
bis Roma, atque  
Orbis, & Ex-  
tincti Ty-  
ranni Ty-  
ranis, & Tri-  
umphatori  
Angulo, Ne-  
potiano Cere-  
alis.  
P. C. Præfæ-  
tus ubi vici-  
judicatus Dr. N.  
de quo tunc.

**Seft. 4.** former Obedience to him and his Family, made an Edict bearing Date of the sixth of September, from this City, and Directed to this *Cerealis*, whereby he Grants, as all Wife Princes have been wont, Indemnity and Pardon to all Persons concern'd, except such as had committed any of the five Crimes to which Death, as a Punishment, was Adjudget, and amongst which Murder is suppos'd to have been one, and hereby he made good, what by another Edict he had promised to the Followers of *Magnentius*, to bring them off. And to Quiet their Minds, there was great need of such an Amnesty, or General Pardon and Oblivion; so many having been drawn into Offices and Employments under him, and those not of the Meanest, but often of the Greatest Quality: for not only in *Gall*, but in *Italy*, and the City of *Rome*, *Magnentius* ordained Judges and *Præfets* of the City; he bestowed the Dignity of *Comites*, and the Supreme one of *Consul*. But, lest the Unjust Acts, either of him or his Judges, should have any Force to the Oppression of the Innocent, or such as had stood to their Integrity and Fidelity; by another Necessary Law, he Commanded all such Acts to be Null and Void; which Law, although the Date of it Assigns it to the preceding Year; yet all things considered, we cannot, but, with *Gothofred*, be of Opinion, that it was not made till after the Death and the Destruction of the Usurper; and some Error was committed as to the Numerical Letters, and Assignment of the *Consulship* of the same Persons. For *Constantius* the Emperour, and *Constant* the *Cæsar*, were *Consuls* for three years together. *Christians* do tell us, that several Acts of Cruelty were exercised by the Tyrant towards *Christians*. Heathen Writers speak also of the most grievous Proscriptions made by him, besides several heavy and unjust Laws. Herof one requir'd half of the Estates of his Subjects, and another permitted Slaves to accuse their Masters. He constrained whom he thought fit to buy Lands, or Things belonging to the Imperial Dignity, and spoiled many of what they had; which whether Lands, or other Matters, were restored by *Constantius* to the right Owners by this Edict; as indeed the Custom was in all well ordered Commonwealths, after the end of any Rebellion or Usurpation; but as we have already said upon another Occasion; Spontaneous Acts, such as Emancipations, Manumissions, Bargains and Transactions betwixt man and man were to be held good, else all would have been unravelled, and put out of Order; therefore by this same Edict he declares them Valid.

12. But foreseeing how upon the Disbanding of so many Men, as being old Souldiers, might now receive their Mission, or Ease, great Robberies possibly might ensue, to the great Damage and Regret of the Countries; by an Edict he commanded such (as his Father before him had done) either to apply themselves to Tillage, or to Traffick, and Merchandize under pain of Death: Assigning this Reason, that such ought to lose all Privilege as disturb'd the publick Peace; so as if they offended in the least, no Punishment should be thought too great for them. Being rid of the Usurper, to secure the *Western* Parts; he seized and fortified the Mouth of the *Rhone*, and the Passage of the *Pyrenean* Hills. Then he removed to *Arelatum*, or *Arles*; where for Joy, he celebrated the *Circenfian* Games, and obviated an Abuse which was committed by occasion of the Privileges granted to the *Veterani*. For when Letters testimonial were given to them concerning their Service perform'd, the Dignity of *Protectores* (of which formerly) was usually also conferred on them, which was both great in it self, and had great Immunities accompanying it: As, Excuse from sordid and extraordinary Employments, and from ignominious Beating, to which others were Subject; Enjoyment of great Privileges in Traffick; Allowance of the Prescription of the *Pretor's* Court; freedom from finding of *Tirones* (or new Souldiers) and the like. Therefore well was he that could attain to this Dignity of *Protectores*; and not only the *Veterani* required it, as they might, but *Tirones* also, and other sorts of Persons sought for it; even those that were obnoxious to, as members of, Bodies Corporate, as *Decuriones*, those that were of Companies, as Tradesmen, and the *Officiarii* or Attendants of Magistrates. Now all these, to prevent such defrauding of the several Bodies, and Magistrates concerned, the Emperours by several Laws, did before prohibit the Enjoyment of the forenamed Dignity and Privileges, and *Constantinus* now in particular, forbids them to the *Curiales* (as did his Brother *Constantin* in the like Case) this being a Rule, both with him, and other Princes; as to hinder the lessening of their Armies by Pretences of Souldiers their Relations to Magistrates, or Corporations; so also to prevent the deserting of Duties and Services of Places corporate, under Pretext of Relation to, or Privileges received from, the Military Employment.

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L. 2. de iudi-  
cibus. Crim. ad  
hæc. Fide  
Connect.L. 2. de iudi-  
cibus. Crim. ad  
hæc. Fide  
Connect.L. 2. de iudi-  
cibus. Crim. ad  
hæc. Fide  
Connect.



13. The former part of the following Year, which was the eighteenth of his Reign, when he himself the seventh, and *Constantius* (or *Gallus*) *Cæsar* the third time were *Confuls*, he continued at *Arles*; but thence removed in the Spring to *Valentia*, undertaking an Expedition against *Gundomadus*, and *Vadomarus*, two Brothers, and Kings of the *Alavans*; who with their frequent Incurfions wasted the Borders of *Gall*, and the Provinces thereto adjoining. At *Valentia* he made some stay for the Provisions of the Army, of which the great Floods now abroad hindered the Conveyance out of *Aquitain*. And here he was entertained with unwelcome News out of the *East*; where his Nephew *Gallus* acted the Tyrant and Madman, to such a Degree, that his Government of those Provinces was utterly intolerable. So mightily was he puffed up with the height of his Place, to which from the depth of Misery and Despair, he had been unexpectedly advanced; that, as one who from long Imprisonment in a dark Dungeon, is brought suddenly into the Light, grows giddy and disturb'd in his Phancies, not knowing well what he said, or did, he brake out into all Acts of Extravagance; to which would have been added Violence against him that raised him, had he had as much Power and Opportunity, as Ambition. And if ever his Passions a little cool'd, they were suddenly blown again into a Flame by the as restless and extravagant Spirit of his Wife; a Woman above Measure puffed up with the Conceit of the Greatness of her Birth, having been formerly married by *Constantine*, to King *Amiballianus* (so our Author calls him) his Brother's Son; a very Mortal *Megara*, faith *Amianus*, a daily Inflamer of one, who of himself continually rag'd; and as greedy of Man's Blood, as her Husband. For the more effectual Shedding hereof, lying at *Antioch*; they made use of cunning Spies and Tale-bearers, who insinuating themselves into Company, reported back, not only all, but more than they had heard, and accused several innocent Persons of Treason, and other feigned and heavy Crimes. Under these Pretences, if any one desired to be rid of a Person against whom they bore Malice; it was easie to procure for a good Reward, the party to be made away. There was one *Clematius*, a noble man of *Alexandria*, whose Wife's Mother burning in Lust towards him, and not able to prevail, turned her Love into so great Hatred, that getting Admittance to *Constantina*, by a Present of a Rich Bracelet, she procured a Warrant to *Honoratus*, Comes of the *East*, to put him to Death; which was done accordingly. Some upon mere Suspicion were murdered, and others turn'd out of their Estates to beg their Bread; no Accuser being seen, no not so much as a Slave, which the greatest Tyrants most commonly were wont to make use of, to put some Colour of Justice upon their Proceedings. But left there should be wanting Informers, *Gallus* himself would take the Pains to make Discoveries in his own Person, walking Incognito by Night through the City, and in the Greek Tongue, inquiring what People said of *Cæsar*, till he became notoriously known. *Thalassius*, the *Præfæctus Prætoris*, who was with him, might have much obviated these Mischiefs, if he had prudently gone about it. But being a man also of an arrogant Humour, he contradicted and opposed him with too much Heat, and at unreasonable times; and sent Informations of all his Actions to the Emperour; not covertly, but (none can tell out of what Design) with Purpose that it should be known.

And by the Indignation of *Thalassius*.

Is hurried into all Acts of Desperation.

The *Barbarians* and without any thing more performed, dispersed themselves throughout the adjoining Mountains. At the same time an Attempt was made by the *Perfians*, but

A. D. 354.  
Constantius A. 7. & Gallus Cæsar 3. Cæsi.

Amianus Marcellinus de Tran Gallorum lib. 14. initio.

without any better Success, upon *Batne*, a Municipium in *Anthemusia*, a Province of *Osdruna*. *Nobodares*, the General, had Orders to fall upon *Mesopotamia*, as that which lay most conveniently for their Incurfions; but the Danger it was expos'd to was a means of its Safety; all the Garifons and ordinary places of the Souldiers Residence upon the Borders, *Præture* & *Stationes Agrariæ*, being so well Furnish'd, that he could not with the least hope Attacque any of them. Therefore he Aim'd at this *Batne*, a Town Famous for a Mart held there yearly, about the beginning of September, for Wares of no smaller Consequence than those of *India*, the *Seres*, and others Imported both by Sea and Land from other Places. And by the Wilderness adjoining, and the Pastures, he endeavour'd to steal upon the Town; but was timely discover'd, and all his Endeavours that way rendred Ineffectual. The *Saracens* in the mean while had better fortune, who neither being such as the Empire could with its Friends nor Enemies, Roving far and wide, Destroy'd on a sudden all they met with; therein resembling much the nature of the *Kite*, faith our Historian, who, if from on high he espy his prey, with a speedy Wing instantly snatcheth it; and if he be Master of it, flays not so long before as to afford any opportunity to the Injur'd Party of Reconcompence, or Revenge.

15. *Constantius*, in the mean time Wintering at *Arles*, though he had celebrated the *Circenian* Games at the entrance of his *Tricennalia*, with great Magnificence; yet therewith could not be so diverted, as to satisfy his Melancholick and Suspicious Humour. So Fearful he was made of Plots against his Life, by the late Treason of *Magnentius*, that Distrusting all men, he interpreted whatever they did or thought, to be intended against himself; and by the Death of several Persons, rendred the late Victory no way acceptable, notwithstanding the Law of Indemnity we not long since mentioned. For, if Credit may be given to our Historian, such of the Army, or Nobility, or the Middlefort, called *Honorati*, (or such as had born Offices,) who were but Accused, or Slightly mentioned to have been of the Tyrant's side, were first fettered like Beasts, and then either put to Death, deprived of their Estates, or Condemned to Islands, without any Accuser appearing. And this increased the Hatred of the People, hence conceived, that he was Inexorable, and Pardon'd none that were once Sentenced; being provoked by those about him, who would not cease to inculcate, that the Safety of the whole World depended upon the slender Thread of their Emperour's Life. He that most insisted hereon, and fill'd the Emperour's Jealous Head with Suspicious was *Paul*, a *Notary*, born in *Spain*; one who being like a Thief, crafty in finding out and taking such like as himself, was fent hither into *Britain*, to reduce such Souldiers as had fallen off to *Magnentius*; and having made his Ends of them, and tasted the bewitching Sweetness of Money, was now by his greedy Appetite driven headlong into all villanous Practices against the Lives and Liberties of all sorts of Persons, how innocent soever, that he might go Sharer in their Estates. This procur'd a dismal Tragedy, which in our Writers Opinion, and that deservedly, cast a great Blot upon the Reign of *Constantius*. One *Martin*, at this time govern'd these Provinces, as *Vicar*; who often endeavour'd by his Intercession to stop the Career of this Vilany, and procure Rest for those, who had not given any Occasion for Disturbance; and the Contest betwixt him and *Paul* came to that height, that he threatned to be gone, and quit his Place, rather than torment his Senfes by a continual Apprehension of such Outrages, as he committed. *Paul* seeing how this would put an end to his Trade, resolv'd to put him amongst such as he had yet refer'd to his false Accusations, and importuned them at Court, that he might be brought up as well as the rest, of which *Martin* having Intelligence, Ierom *Vicarium* made an Attempt to kill the Villain, and when he failed therein, punished himself for his Failure in the same kind. *Paul* having thus escap'd, pursued his Enterprize, and carried up his Prisoners in Chains (from which he received the Surname of *Catena*) to Court; where some were committed to a tedious and irksome Prison; others deliver'd into the Hangman's hands to be tortured; some procrib'd and sent into Banishment, and others put to Death. This being observed for a Rule in *Constantius* his Days, that none escap'd Condemnation in some of these Kinds, of whom it had been but whisper'd, that they were guilty Persons.

*Paul*, a *Notary*, a covetous and malicious Backbiter.

16. At this time *Memmius Vitrasius Orfitus* was *Præfæct* of *Rome* (from the tenth of December of the preceding year) a man prudent enough, and understanding in the Practice of Courts; but not so learned in the Liberal Arts, as became a man of his Nobility and Rank; and insolently proud upon this his Prefecture. Through his careless Administration great Tumults were occasion'd in the City, for want of

A. D. 354.

De Constantio & Statulio Agrius illos Provincias pro Prefectis. Alii Occasion for Disturbance; and the Contest betwixt him and Paul came to that height, that he threatned to be gone, and quit his Place, rather than torment his Senfes by a continual Apprehension of such Outrages, as he committed. Paul seeing how this would put an end to his Trade, resolv'd to put him amongst such as he had yet refer'd to his false Accusations, and importuned them at Court, that he might be brought up as well as the rest, of which Martin having Intelligence, Ierom Vicarium made an Attempt to kill the Villain, and when he failed therein, punished himself for his Failure in the same kind. Paul having thus escap'd, pursued his Enterprize, and carried up his Prisoners in Chains (from which he received the Surname of Catena) to Court; where some were committed to a tedious and irksome Prison; others deliver'd into the Hangman's hands to be tortured; some procrib'd and sent into Banishment, and others put to Death. This being observed for a Rule in Constantius his Days, that none escap'd Condemnation in some of these Kinds, of whom it had been but whisper'd, that they were guilty Persons.

Wine

Sect. 4. Wine, which the *Præfect*, of course, was to provide; all sorts and Degrees of Men being Degenerated, and nothing Serious or Memorable acted there, as *Ammianus* shews at large, in divers particulars. And at *Antioch* things were more out of Order, where *Gallus Cæsar* was a Plague and Burthen to all good men, as well the *Honorati* and *Primates* of Cities, as *Plebeians* (so our Author distinguisheth) and upon a Trivial Occasion had put to Death the Principal *Senators*, if *Honorati*, the *Comes* of the *East*, had not with a most constant Resolution opposed it: With Bloody, and for that reason Prohibited, Shows upon the Theatre, he was wonderfully delighted. Being on his way to *Hierapolis*, and on a pretended Expedition, the Citizens of *Antioch* put up a Petition to him, to find out some course to prevent the great Scarcity of Victuals, of which they were apprehensive; in answer to which, he did not enter into any Consultation, or make Use of such Means, as other Princes were wont in the like cases; but delivered up into their hands *Theophilus*, the *Consularis* of *Syria*; often protesting that it was the Governor's Fault, if any Inhabitant wanted Necessaries: and this his Encouragement drove the Rabble into that Rage, when it wanted Bread, that they set fire to his House, and so Beat and Abused him, that thereof he died; leaving a Warning to other Magistrates, what they must expect from so Worthy a Prince. This, and other Matters being brought to *Constantius* his knowledge by *Thalassius*, or others, he Resolved, in order to the Maltering of him, first to withdraw his Strength, and under pretence of Danger, which he saw might arise to his Person from the Conspiracy of so many idle Souldiers, as served under him, he removed such Forces as there lay under his Command; bidding him be content with the *Palatine Scholer*, and of the *Protectors*, with the *Scutarii* and *Gentiles*; and enjoined *Domitian*, (now from *Comes Largitionum* made *Præfekt*) that when he came into *Syria*, he should by Gentle means labour to reclaim him from these Extravagant Courses. But he being with great speed arrived at *Antioch*, took a quite contrary course; for he did not so much as go to Wait on him, as his Duty was, but with great Pomp passed on to the *Prætorium*; and after this, pretending Indifference, neither came at Court, nor appeared abroad; but keeping himself up, plotted how to destroy *Cæsar*: and for that purpose, amongst the Accusations he sent to the Emperor, shuffled in some things, which might better have been omitted. Being, with much intreaty, at last brought into the *Consistory*, without any Complement, or any other expression of Civility, he rashly and indiscreetly bade him be gone, as he was Commanded; and told him, he would have him to know, that in case he did not Obey, he would order both his own Allowances, and those belonging to his Court to be stopped; He, as *Præfekt*, having the Charge of Provisions, which to *Cæsar* were allowed, and Distributed to his Attendants from the Emperor, as well as to Apparitors, or any other Ministers. Having arrogantly spoken so much, he departed Frowning, being, as he was Born, a Clown; and though often sent for, would come no more into *Gallus* his Presence.

17. *Gallus* hereat vehemently moved, as one who formerly did but pretend, but now in earnest did suffer, and was rudely dealt with; ordered the *Præfekt* to be safely Watched, by such of his *Protectors* as he could trust. This being known, one *Montinus*, at this time *Questor*, a man by Nature severe enough, but yet more inclining to Gentleness than the other, as one Concerned by Common Interest: first, Tampered with the Advocates of the *Palatine Scholer*, to whom he inculcated, that these things ought not to be, neither would any Good come of them; and in an upbraiding manner he added, that if such Courses were pursued, they would first Demolish the Statues of *Constantius*, (the usual way of beginning a Rebellion) and then proceed to consider about the Life of the *Præfekt*, which was to be taken away. *Cæsar* having notice hereof, found his Affairs in a desperate Condition, and therefore Resolving to Fence for his Life and Security, as well as he could caused all the Souldiers to be drawn together, told them, that he and they ran, the same hazard; and that by means of *Montinus*, who Accused them all as Rebels and Traitors, for no other reason, but because he had Committed to Custody the Wilful and peevish *Præfekt*, who would not know his Contumacious Humour. The Souldiers, who were not given much to Consider, but always greedy of Trouble and Innovation, ran furiously to *Montinus*, who lay near at hand, and seizing on him, a feeble, old Man, and sickly, bound him, and dragged him straight to the *Prætorium* of the *Præfekt*, whom, throwing headlong down the Stairs, they bound them both together with cords, and so drew them with haste through the streets,

*Gallus Cæsar* a  
Plague to all  
Good men un-  
der his Power.

*Constantius* en-  
deavours to re-  
master him.

*Domitian* the  
*Præfekt* indis-  
creetly de-  
means himself.

He and *Monti-  
nus* the *Questor*  
murdered  
by *Gallus* his  
men.

Sect. 4. streets, till they had torn them Limb from Limb; which done, and having trampled upon their Carcasses, and mangled them as they lifted, then they cast them into the River. Being sufficiently moved to this outrageous Act by *Gallus*, they were further Animated by two Turbulent Fellows; whereof one was *Gallus*, who had been suddenly Advanced to be *Curator* of the City, and another called *Sibem-laus*, the Head of the *Bajuli*, or *Vespillones*, who carried out the Dead (as is thought) or of the Porters, or such as carried Burthens; who often roared out, that they should make quick Dispatch, and perfect what they had begun; for which he was burnt alive not long after. But because *Montinus*, as he was about to Expire, amongst his Tortures had blamed *Epigonius* and *Eusebius*, only mentioning these Names, and neither their Dignity nor Profession, there was wonderful Inquiry made, who these should be; and before the Matter should grow cold, *Epigonius* the Philosopher was fetched from *Lycia*; and *Eusebius* surnamed *Pitacus*, an Eloquent Orator, out of *Mysia* from *Emissa*; whereas the *Questor* meant neither of them; but exclaimed against two *Tribunes* of the Fabricks or Forges (it seems of these Names) who had promised him a Supply of Arms, in case any such Disturbance should happen.

18. At the same time *Apollinaris*, the Son-in-Law of *Domitian* the *Præfekt*, and who had lately the Charge of *Cæsar's* Palace, having been sent about some Affairs into *Mesopotamia*, was narrowly leached, by the Souldiers there for Papers, which might manifest the great Design which *Gallus* now had in his Head. Having received News of what had hapned at *Antioch*, and suspecting his own Safety, he withdrew himself, through the lesser *Armenia* to *Constantinople*; but was fetched back by those called *Protectors*, and committed to close Prison. Not long after a Discovery was made at *Tyre*, of an Imperial Robe, which by whose order made, or how it came there could not be known. Whereupon *Apollinaris* the Father, who then governed that Province, was laid hold of, and together with many others, burthened with most heavy, but idle Accusations, and haled to Custody. For now *Cæsar* did not at all conceal himself, nor pretended to any Excuse, but with the greatest Impudence ran through thick and thin, making no distinction between Right or Wrong, Just or Unjust, but what his Will and Lust procured. A mock-Court of Justice was erected, a mock-Judge, the *Magister Equitum*, and as mock-Notaries appointed, who carried Intelligence to *Gallus* of all that was said by the Parties. The first that was thus tried was *Epigonius* the Philosopher; who knowing little of the World, could not endure the Tortures; and without pleading any thing of Law, confessed he knew not what, and accused those as complies, who knew no more than himself of the Matter; but *Eusebius*, as one well versed in the Law, demanded that his Accuser should be produced to his Face, denied stoutly what was objected, and plainly called those Proceedings no course of Judgement, but of Robbery and Murder; for which Liberty as an insolent and audacious Slanderer he was, by *Cæsar's* command tortured to Death, together with his Fellow-Sufferer, calling to Heaven for Vengeance; yet altogether as unconcern'd as *Zeno* is said to have been; who in the midst of his Torments bit off his Tongue, and spit it into the Face of the *Cyprian Tyrant*, if our Author do not mistake. As for the Robe that was found at *Tyre*; the Workmen there confessed that one *Maras* a Deacon, had written a Letter to procure the hastening of it; but he being apprehended chose rather a painful Death, than to confess any thing. Hereupon great Stir was made about it; and after that many upon slight Presumptions, had been made away: at length the *Apollinaris*, both Father and Son, were sent into Banishment, as was pretended; but being come as far as *Crætere*, a Town of their own, twenty four Miles distant from *Antioch*, they had there their Thighs broken, and were murdered according to Order. Yet with their Blood *Gallus* was not glutted; but like a greedy Lyon still ranged about for more, the Effects whereof were so various, as *Ammianus* professes, that the Inflicting upon Particulars would be too tedious for his Design.

19. Thus groated the *Eastern* Provinces under the tyrannical Government of *Gallus*; when, as we hinted, *Constantius* had removed from *Arles* to *Valentia*, undertaking an Expedition against the *Alamans*. There staying for the Provisions of the Army, he was fully acquainted with his Nephews Demeanour, by *Herculianus*, a *Protector Domesticus*, Son of *Hermogenes*, who had been a *Magister Militum*, and was killed in a popular Tumult at *Constantinople*. His Vexation and solicitous Thoughts how to redress the Mischief, was diverted for some time, by the Discontents of his Army, which lying at *Caillon*, was ready to Mutiny for Provisions. This brought *Rufinus*, now *Præfektus Prætorio* of these Parts,

Several others  
put to Death  
by a mock  
Court of Justice.

Others plainly  
murdered by  
his Order.

*Constantius*  
prepares  
against the  
*Alamans*.

*Vide Annotati-  
ones Valerii in  
hunc locum.*

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into great peril of his Life, being required to give the Souldiers an account how their Necessaries were so long kept from them; and this was done of purpose, if they thought, that he being the Uncle of *Gallus* by the Mother's side, might Miscarry, and Perish by their Rage; who, besides their usual Fierceness and Animosity against Men of High Place and Trull, were now irritated by their want of Victuals: but those Concerned, so bestirred themselves, that *Engebins* the *Propagator Cubienis*, being sent with Gold to *Cabillon*, therewith underhand Quieted those that were most Turbulent, and in capacity to do Mischief; and so the Army was kept in Peace, and the Life of the *Præfēt* preferred; the Provisions arriving in Abundance, not long after. The Day following they marched, and having passed many Difficulties, besides those Hills that were all covered with Snow, they came at length to *Rauracum* on the Bank of the *Rhine*, where the *Almans* vigorously opposed them. It was thought fit to lay a Bridge over the River; but the Enemy so plied it with Darts and Arrows, that there was no Appearance for Workmen upon the Water, which call the Emperour into a great Confitia what Course to take, when unexpectedly, one that knew the Place very well, offered himself a Guide, and for a good Reward to conduct them over, where it was Foridable: and this had by Night been effected, but that the *Almans*, had privately the Design discovered to them by some of their own Country-men, that served in eminent Places in the Army: the Suspition lighting on *Latinus* the *Comes Domesticonis*, *Agilo* the *Tribunus Stabuli*, and *Scudilo*, who commanded the *Scutarii*: Men, who were in those Days accounted the Pillars of the Commonwealth. Yet notwithstanding the *Almans*, whether discouraged by their unlucky *Auspicia*, as our Author will have it, or for that they despair'd of good Success by Resistance, sent some of their principal Officers or Nobility, to beg Pardon, and a Peace. Their Overtures were not unkindly received; but being long considered of and debated, were at length approved of by the Emperour, and his Council; yet to seem to do nothing without the Knowledge and Approbation of the Army, he resolv'd to make the Souldiers acquainted with what he little doubted but they would approve. Ascending the Tribunal, and attended by all his great Ministers, after a short Preamble suited to the Occasion, he told them, That if they would but consent, his Opinion was to grant the Requests of those, who sought Peace with so great Submissiveness. His Reasons were; first by a certain Treaty to prevent the Uncertainties of War; that of the *Almans*, instead of Enemies, they might have Assistants and Allies, as they had engaged. The next was, to prevent the Mischiefs, which from their frequent Incurfions, fell upon the neighbouring Provinces, and he added, that he only was not to be esteemed an Enemy conquered, who being overpowered by the Weight of Arms, or number of men, was slain in the Field; but much more he, who was subdued by an unbloody Victory, who voluntarily turned to Obedience out of a Sense, that neither Valour was wanting to the *Romans* against the rebelliously Contumacious, nor Lenity towards such as did seriously desire it. In conclusion, he was minded to use temperately the present Advantage, but left it to them wholly, to consider what was to be done, with this Assurance, that it was not any Sloth or Cowardize that engaged him to such Sentiments, but merely the Principles of Modesty and Humanity. He had no sooner spoken, but the Multitude, prone enough to whatsoever he inclined, commended his Councils, and consented to the Peace, taking especial Notice, that little or no Good, but rather much Evil hapned by these frequent Expeditions; for when Wars were managed abroad, great Mischiefs fell out also at home, not frequent by Reason of it's too great Bulk, and the Variety if not usual Disagreement of it's Princes, who often were not virtuously inclin'd, even as at the present time.

His Design  
againſt them is  
betrayed.

He makes  
Peace with  
them.

*The Euthyphro*  
plot against  
impiety.

A. D.

3 5 4.

Secr 4.

Skill, to which they were continually Exercised and Trained up; they whispered, that this Feind<sup>d</sup> to look towards Ufurpation, and that *Galus*, of his own Nature, being Fierce and Cruel, was by some, on purpose set on, and Animated to these Extravagant Courses; that he being brought into Universal Ignominy and Hatred, the Empire might at length be Transferred upon the Sons of *Urcimus*. These things thus insinuated, could not but exceedingly perplex *Constantius*, who never had his Ears shut to Arguments of this nature; yet he resolved on the best course, if it hapned, Commanding *Urcimus*, with the Equipage and Honour belonging to his Degree, to come to Court, under pretence, that they might take Advice what was to be done in this Juncture of time, when the Arms of the *Partian* Nations threatened the Safety of the Empire. And that there might be no suspicion of any Evil intended him, *Profler*, a *Comes*, was sent to serve as his Deputy, till his Return; with which way of Procedure satisfied, and having the Advantage of the *Vehicula*, or *Cursus Publicus*, he hastened with great Journeys to *Milam*. To get *Cesar* to Court, no less care was taken; and that he might neither Suspect any thing, his Wife *Constantina* received from the Emperor, her Brother, many kind Letters, wherein he expressed an earnest Desire to see her, which she was cunning enough to Suspect, and Apprehend the worst; but she hoped by the Intertraces and Insinuations of a Sister to charm him. They began then their Journey, but it so fell out, that she was suddenly snatcht away by a Fever, at a Place call'd *Cenigaliciani* in *Bithynia*, as she was on her way; which cast her Husband into a great Perplexity, not knowing what to do: For now she was gone, on whose Interest alone he could rely. And as for her Brother, considering his Nature, he could not but conclude, that he would be peremptory in his own Opinion; receive no Satisfaction, nor pardon what was past, (being sufficiently inclined to the Destruction of his Kindred) but, if he could compass it, having entrapp'd him by some Secret Wile, take him at the Disadvantage, and put him to Death. Being now driven to so great Necessities, and expecting nothing but the utmost Extremity, if he stood not sufficiently upon his Guard, he was desirous enough to take the Title of Emperor, if he had had any Encouragement; but he was deterred by thofe about him; partly for his bloody and fickle Humour, and especially, because they feared the Greatness of *Constantius*, which appeared abundantly able to crush and bring to nought all his Designs.

*Gaius*, having  
lost his Wife,  
is, exceeding-  
ly perplex'd.

Is persuaded by *Scudilo* to move towards the Emperour.

*A. D.*

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21. Thus perplexed in his Mind, he received frequent Dispatches from the Emperour, requiring, nay, intreating him, to hasten to his Prefence; for that the Empire, neither could, nor ought to be divided, but each of them to succour it, when in a Tottering Condition, as the Provinces of Gall at present were. And for an Example of no very old Date, he added, that *Dioclesian* and his Colleague were served by their *Cæsars*, even as by Apparitors, who continued not in any place, but moved to and fro upon occasion; and how in *Syria*, *Galerius*, though in Purple, as he was, walked well nigh a Mile before the Litter of the angry Emperour. Many Messengers were sent, and after all came *Scudilo*, the Tribune of the *Scavarii*, a crafty, insinuating Man, under the vizard of a downright, blunt Fellow; who, by Flattering, and serious Discourse mixed together, was alone able to prevail with him to take the Journey; for he made him partly believe, that his Brother and Cousin (as he termed him) most passionately desired to see him; That he had Meekness and Clemency enough to Remit what hitherto had been Committed through Imprudence; and that having made him his Companion in the Empire, he desired he should share also in the Toil thereof; the Northern Provinces now exceedingly requiring his Assistance. As the Apprehensions of such as are near to Destruction, are wont to be Darkened and Perverted, by these vain Flatteries he was brought into vain Hope; and departing from *Amisoch*, went out of the Smoak into the Flame, (as our Author tells us the old Proverb was.) And coming to *Præfatis* ire tenet *Constantinople*, as if all things had been well and secure with him, Celebrated *debat*. there the Horse-Games, and put the Garland upon one *Corax* a Chariot-driver, *de fano* (as there he had won the Prize. *perverbum* (as who had won the Prize. *Constantius* more suspicious when he heard of his *quisquit vicia*) Confidence, and was exceedingly provoked to destroy him. And that in his Journey he might not, out of Desperation, attempt any way to provide for his Security, caused all the Souldiers to be removed out of the Towns, through which he was to pass. Several Great Officers also, under pretence of other Business, were sent to Watch him. After a Tedious Journey, when he was come to *Hadrianople*, (a City standing on the Mountain *Hæmus*, formerly called *Ursinuma*) where he Refreshed himself for twelve days together; the Theban Legions which Quartered in the Neighbouring Parts, sent some to Advise him to stay, and offered

Secd. 4. ed him their utmost Assistance : but the Messengers were so narrowly watcht, that they could not get any opportunity to speak with him.

22. Now came Letters after Letters to hasten him away, and for his Journey ten Publick Carriages were provided, but all the Attendants of his Court were left behind, except some few that waited in his Chamber, and at his Table ; and so he was hurried away, a miserable Spectacle to look on, Weeping, and bewailing his Rashness, that he should Betray himself in this manner into the Hands and Power of his Enemies ; and otherwhiles Affrighted by the Terror of his Conscience, and Dreams, arising from the Guilt he had contracted by the base Murder of *Domitian*, *Montius*, and many others ; at length he arrived at *Petovio*, a Town of *Noricum*, where he had occasion fully to discover the Snares laid to Entrap him. For now, on a sudden, appeared to him one *Barbatio*, who had under him borne the Office of *Comes Domesticanus*, with *Apodemus*, one of the *Agentes in Rebus*, attended by a Company of such Souldiers as the Emperour had sufficiently obliged, and was well assured, that neither for Pity nor Reward, would they be drawn from Prosecuting such Orders as they received from him. Now without any Diffimulation of what was to be Acted, the House was beset with Armed Men ; and *Barbatio* entering his Chamber, when it was scarcely light, took away his Royal Apparel, and put on him an ordinary and common Habit ; yet, by frequent Oaths, assuring him, as from the Emperour, that now he had seen and felt the worst. But he bade him rise instantly, and all on a sudden clapping him into a close Litter, carried him away into *Isiria*, to a Place near to *Pola*, where *Crispus*, the Son of *Constantius*, was reported to have been made away. There being close shut up and expecting nothing but Death ; *Eusebius*, now the *Propraefectus Cubiculi*, *Pontadius*, a *Notary*, and *Mellobaudes*, a *Tribune*, by order of *Constantius*, came and examined him about those he had put to Death at *Antioch*. To this he answered with a pale and gaitly Countenance, that most of them were so handled at the Instigation of his Wife *Constantina*. Upon Report of this Answer, as thinking it seems it reflected upon his Sister, and consequently on himself too much, *Constantius* fell into greater indignation than ever, and placing all his Security in the Destruction of *Gallus*, resolved to put an end to his own Fears, and the others Life both together. And for this purpose sent away *Serenianus* (who having been accused of Treason, was only acquitted) *Pontadius*, the *Notary*, and *Apodemus*, the *Agent in Rebus*, to put him to Death, which was executed upon him, as if he had been a Thief, by cutting off his Head, his Hands being bound together ; after which, his Body lay a miserable Spectacle, which had lately been so terrible to Cities and Provinces. But to such an End came *Gallus Caesar*, in the Island *Flavonia*, near to *Pola*, (as others write) in the twenty ninth year of his Age, and the fourth (began) after his Promotion. He was born in *Tuscia*, at a place called *Massa Viterbensis*, of *Constantius*, Brother to the Emperour *Constantine*, and *Galla*, the Sister of *Rufinus* and *Cerealis*, Persons, both of them of *Consular* Dignity, and who had borne also that of *Præfect*. A man comely enough, and well-proportion'd, of yellow Hair, and a thin Beard ; but in Morals differing as much from his Brother *Julianus* (of whom hereafter) as *Domitian*, the Son of *Vespasian*, came short of his Brother *Titus*, in the Opinion of *Amorians*. He ended his Life after such a manner as he had deserved, and that by Command of his Cousins, though there were that wrote, how he, repenting of what he had ordered herein, sent other Messengers to lay the Execution ; but *Eusebius* the *Enunuch*, his bitter Enemy, caused them to be stopped, till all was past, For this Treachery, if it was, *Eusebius* paid dear afterwards, being put to Death by *Julianus*, for having been so instrumental in his Destruction. And *Amorians* observe, how other two, who under the Cover of Perjury and deep Diffimulation laid Snares to entrap him, came to untimely Ends. For *Scudilo* vomited up his Lungs, and died ; and *Barbatio*, who accused him of more Crimes than he committed, being suspected to aspire to greater things than the Office of *Magister Pedum*, to which he had attained, was condemned, and sent out of the World, as we shall see.

He is carried into Isiria ;

And made away.

Constantius thereupon exceedingly elevated.

A.D.

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Philostorgius l. 4. c. 3. & vide Differt. Gotofredi.

Secd. 4. med the Title of *Lord of the whole World* ; though all this while he pretended an Earnest Endeavour to equal the Morality of the very best Princes. But so open were his suspicious Ears to all Accusations, that his *Enunuchs*, and other favouring Courtiers, procured the Ruin of many Good Men ; and numbers were brought out of the *East* in Chains, to *Aquilina*, who were said to have been Instruments to *Gallus* his Cruelties and other Disorders. And thither were sent to fit upon them as Judges, one *Arbora*, and *Eusebius*, lately mentioned, the *Propraefectus Cubiculi*, both of them very bad bad Men ; both Unjust and Cruel ; who, without any sufficient Evidence, or Discrimination betwixt Innocence and Guilt, Sentenced them ; some, after Torture, to be sent into Banishment, others to serve in the Armies, in the meanest Capacity, and the rest to Death it self. After the slaughter of whom, they returned, as in Triumph, to their Prince. *Constantius* staid some time at *Milan*, for we find him by Subscription of his Edicts there, in the Months of *May* and *June*. Some other Laws he made before these, Dated from this Place, but where he then Resided, is not Express'd ; though probably in some part of *Italy*. The first of these, which are proper to our present Cognizance, is, the very first Law now Extant in the *Code*, concerning the *Agentes in Rebus*, of whom we have already spoken. In this Age, it was a Custom for those who were Members of Corporations, and obnoxious to the Services thereof, to get themselves Entred, as into other several sorts of Employments, and the Armies ; so amongst them also, hereby to shun the Duties and Charges incumbent upon them, as we have already hinted. Now, to prevent this for the time to come, *Constantius*, by this Law (which was Part or Title of a larger Constitution) Defines, that by his Service, amongst the *Agentes in Rebus*, should be freed or discharged from his Relation to Corporations, except he had served the term of Twenty years, which he ordains shall also be observed as a Rule, and Bind the *Scriniarii* of his Palace, the *Cancellarii*, *Largitionales*, and *Officiales* of the *Comes Rerum Privatarum*.

Constantius publisheth an Edict in favour of Corporations.

Another to compell Senators to discharge their Duties in the City.

24. By another Edict directed to *Orphius*, the *Præfect* of *Rome*, and Dated seven *Ides* after the other, it appears, That not only the Officers of Corporations, but even Senators, were wont to skulk and keep themselves out of the way, to shun those Charges and Duties which lay upon them. To prevent this, he now signifies, that he had formerly sent his Orders to *Hilarianus*, the *Præfectus Pretorio*, to Compell Senators to return to the City, that they might be constrained to Discharge those Duties that there lay upon them ; and that such of them as continued their Absence, should, according to the Laws made by his Father, be condemned to bring fifty thousand *Modii* of Wheat into the Publick Granaries of *Rome*. Now what these Duties were, we have already touch'd, as, to make known to the Senate the worth of their Estates, that accordingly they might contribute to the *Glebalis Collatio* ; as also to pay what was due toward the Charges of Publick Shows and Pastimes ; an usual Duty incumbent upon *Pretors*, to the Title of whom (and *Questors*) this Law is assigned in the *Code*. This Fine imposed upon Absence was very great : for at this time the ordinary rate of Wheat was an *Aureus*, or Golden *Solidus* for every ten *Modii* ; so that the whole amounted to five thousand *Solidi*. Indeed some years after, in the Reign of *Valentinian*, that Emperour by a Law (as *Suidas* writes) took Order, that no fewer than twelve *Modii* should be sold for a *Solidus* ; but then had he Enhaunced the Value of a *Solidus*, as we have already said. For whereas from *Constantine*, till his Time, Eighty four of them went to the Pound of Gold ; he cauled out of the Pound but seventy two to be stamped. This was a heavy Fine for all sorts of Senators ; but by the Law of *Constantine* all were not liable to it ; but according to their Quality and Degree, Condemned as to the Quantity of Wheat. Probable it is, that this of Fifty thousand *Modii* was imposed upon *Pretors*, but a lesser upon *Questors* ; who, as appears by the first Law of this Title in the *Code*, were distinguished both from them and *Consuls* in these *Frumentary* Multits. But by this it is evident what great Charges the *Pretors* were at in Solemnizing these Publick Games and Pastimes, to which the People of *Rome* had been so accustomed, from the time that the Riches of the World flowing into that City, had, to please them, found such issues as these ; that when the Reason ceased, they would not be satisfied that the Effects should cease : And Christianity it self could not, but by degrees, and after much time, wean them from those Excesses in Cruelty, and other parts of Immorality, which ordinarily accompanied these Diversions.

25. These (and some other Laws) were made this year, though uncertain at what place ; but from *Milan* bore Date two others, which seem to have made up but

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Gregorius, f. ut Gradat. de Inter Praes. del. litare juu. Cod. Th. lib. 6. Tit. 27. de iud. id. Mart. Constantius Augustus l. de Calore Cels. A. D. 354.

l. 7. de Praed. et iudic. id. Mart. vide Comment.

Amianus

lib. 15.

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Another for  
providing  
Wines for his  
Cellar.

but one Constitution. The first is, concerning the Furnishing of his Cellar with Wines; which, though it may appear a thing of no great Concernment, yet hath been Ennobled by the Disquisitions of such Learned Men, as have Disputed concerning the *Suburbicarian* Provinces. It ordains, That the Wine, which was wont to be served in for the Use of his own Cellar, shall be provided by all the Possessors of Italy, according to the Appointment of his Brother *Constantius*; which, that it may more easily be done, saith he, let that Quantity of Money be contributed by all our *Italians*, which the Moderation of *Rufinus* (to whom he gives the Attributes of *Clarissimus* and *Illustrius*) the *Præfatus Prætorio*, our Parent and Friend, thought fit to be Allowed. So runs the Law, which is directed to the Order or Body of the *Cæsenates*. As to which the Reader must know, that the Provinces were wont as we formerly hinted, to contribute several sorts of Provisions and Materials, termed in those Days, and by the Laws, *Species Annonarie* and *Cellarienses*. The *Anninarie* were (when strictly taken) for in a large sense *Annona* signifies all sorts of Wood, Straw, Fodder and other Necessaries the *Cellarienses* were the *Esculentæ*, *Opulentæ*, Meat and Drink; and not only Drink, as the Word now in English seems to denote. Now both the kinds were contributed for the Use of the Army, the Service of Expeditions, the Maintenance of the *Comites*, and other Governours of Provinces, and to the Prince his own use in his House, which last is that here intended. But the great Question is, what here should be meant by *Italy* or *Italians*; whether all that, which vulgarly went under that Name, or only some Part, or Portion of it. As to this we must know, that of old time, all *Italy* was Subject to a moderate Tax, or Contribution. But when the Empire was embroiled in manifold Wars, and divided betwixt *Dioclesian*, *Maximin*, *Constantius* and *Galerius*; *Maximin* having obtained *Africa* and *Italy* for his share, brought up a new sort of Tax or Tribute of Provisions, which he imposed upon part of *Italy* (and being then but small, afterwards grew very heavy and burthenfome) upon that part, as appears from *Aurelius Victor*, where he lay most commonly with his Army. Now to find out what part of *Italy* this was, we must know where he had his usual Residence, which was at *Aquileia*, *Milan* and *Ravenna*, where usually his Successors, as *Constantine* the great, this present *Constantius*, *Valentinian*, and others afterwards made their ordinary Abode, when they came into these Quarters. The Countries adjoining to these Cities carried the Title of *Regiones Annonarie*, or the Regions of Provisions, being these: *Tuscia*, *Picenna*, *Florentina*, *Æmilia*, *Liguria*, *Venetia* and *Histris*; and these *Constantine* freed from all Extraordinary Services by an Edict published in their Behalf, in Consideration of those Supplies of Provisions with which they were taxed, to the Use of his own House. In like manner as *Africa*, because it afforded in these Days Provisions to *Rome*, enjoyed the same Immunity. Therefore it is to be observed, that the Word *Italy* is taken in four several Significations. First, for whole *Italy*, wherein *Rome* is also included, and the *Suburbicarian* Regions. Secondly, sometimes *Sicily*, *Sardinia* and *Corfica* come under the Name and Acceptation of *Italy*. In the third Place is to be understood by *Italy* what was not taken up by the City, and the *Suburbicarian* Regions, or an hundred Miles about. And in the last place, as in this Law, by *Italy* is meant *Italia Annonaria*, or the Provinces lately mentioned. Now the Law is directed to the Order or Body of the *Cæsenates*; most probably, because, in their Territory which lay near to *Ravenna*, in the Country called *Flaminia*, there being Abundance of the most excellent Wine, that these parts afforded; as formerly *Constantine*, his Brother, so now *Constantius* himself would have his *Italians* (as he calls them) there to buy the Provision for his Cellar.

Takes Care  
for supplying  
the Body of  
the Cæsenates.

26. But by the same Constitution (now divided in the Code into two Laws) he farther gratified this Corporation of *Cæsenas*, which being at this time much emptied, by Reason that the *Curiales* thereof, under Pretence of other Employments and Privileges, withdrew themselves from the publick Service; he took Order for the calling back of three sorts of Persons to their former Duty and Employment. The first was of those, who by Letters had obtained *Honorary* Dignities without any Government; as those of *Ex Præfatus*, and of the Title of *Præfatus Illustrius*; yet so as they should enjoy the said Titles and Præminences, provided they discharged the Offices in the Corporation, which about this time he ordered in an Edict concerning this Subject, directed to the Citizens of *Carthage*. The second sort of Persons whom he will have drawn back, is those who pretending to the Dignity of *Senators*, could not shew any Letters Patents, granted from the Prince; for there were two ways whereby the Emperours conferred these Titular Honours, viz. one by Letters obtained for this Purpose, and another by word of Mouth. Now such as had obtained the Letters, he would have enjoy

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L. 6. de Anno  
"na & Titulus  
"Cod. Th. lib. 11.  
"tit. 1.L. 43. de Dignit.  
"habitu. Dat.  
"11. Cal. Julii  
"tit.L. 41. de Dignit.  
"habitu.

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What Officials  
were permitted  
to adore  
the Purple.War denounced  
against the  
Lætinis.Who defeat  
Arbeto.Yet are they  
humbled.

the Immunity from Services in Corporations; though other Emperours would not indulge them that favour, and the Law as to this Particular was various and Ambulatory. The third sort which he commands to be drawn back to their Employment, is of such as had got themselves admitted amongst the *Officiales*, whom he will not have this new Relation to profit, if originally they belonged to the Body of the *Cæsenates*. And yet, if we compare this Law with some others he made, this very year, concerning the same Subject, we shall find, that what he here saith of calling back the *Curiales* to their Charges in Corporations, must be admitted with this Exception; provided they had not served as *Officiales* the space of five and twenty years, in which Case he forbids that they be forced back to such Employment. But as for them that attended on the Emperour in his Court, as these termed *Ministeriales*, who waited at Table, or in the Pantry, *Pages*, the *Silentarii* and *Deuonones* were to be excused, if they had served but fifteen Years. *Nomenclatores*, who served in the *Curias Publicas* were excused, if thereon they had attended but ten years. And here it will not be amiss to observe other Privileges at this time granted to the *Officiales* by other Laws, which with these now mentioned; and that of the *Agentes in Rebus* seem to have made up one and the same Constitution. The first is, that they were permitted to adore the Purple; which Ceremony heretofore we have touched. At first this was only granted to the *Officiales* of the higher Dignities, as to those of the *Præfatus Prætorio* (who in this Age were properly called *Cobortales*, though this Name afterward, and that of *Cobortalini* was also given to them that belonged to the Governours of Provinces) the *Præfatus* of the Cities; those of the *Magistri Equitum* and *Peditum*; but here *Constantius* limits it to those of them only who had done Service, and been present in all Expeditions. This Privilege was also given to the *Nomenclarii* of the *Præfatus Prætorio*, after they had served up their three years; to the *Comitarius* also, as well as the *Principales* of the Office, after their Term was out. These belonged to the highest Dignities, or to those styled *Illustrius*; and to some others also it was indulged to adore the Purple once a year, as to the *Officiales* of the *Picars*, and to other Officers of such Magistrates, as bore the Title of *Speiabilis*, as *Proconsuls*, the *Comites Rei Militaris*; the *Præfatus Augustalis*; and some *Duces*, as those of *Scythia*, *Mæsa Prima*, *Mæsa Secunda*, and *Dacia*. The *Principals* of their Attendants were permitted to Adore, at the going out of their Offices; but some did it with those that were of *Proconsular* Dignity, viz. they that belonged to the *Comes of Achaia*, *Comes of the East*, the *Præfatus Augustalis*, the *Picars*, and the *Comes of the Egyptian* Limit. Others only were permitted to do it amongst the *Protektors*, as those that appertained to the *Duces of Scythia*, *Mæsa*, and *Dacia Ripensis*. But this Honour was utterly denied to the *Officiales*, though they were the *Principals* of those Governours of Provinces, who had but the style of *Clarissimus*; which Honour this Privilege accompanied amongst others, that being admitted once to it, they could not be forced away to any other Employment, as in Corporations.

27. But to Prosecute the Acts of *Constantius* of another nature. While he employed himself at *Milan* in making Laws, and in too strict Inquisition after Offenders, word was brought how the *Lætinenses*, a People that inhabited some Villages upon the Borders of *Germany*, made frequent Incurfions into the *Roman* Pale; and it so appearing, War thereupon was denounced against them. The Emperour in Person undertook the Expedition, and came into *Rætia*, and the Plains called *Campi Camini*; where a Council of War being held, after a long Consultation it was Resolved, that *Arbeto*, the *Magister Equitum*, with the Choicest part of the Army, should, by the side of the Lake called *Lacus Brigantie*, through which the *Rhine* passed, march away, and fall upon them. *Arbeto* did as his Orders Enjoined, but the *Alamans* having timely Notice of his coming, lay in wait for him, and so Distressed him, that his Men ran away, and most of them, by the Darkness of the Night, escaped, and got back to their Fellows; although a great number of them was lost, and with them no fewer than ten *Tribunes*. With this Success the *Alamans* exceedingly animated, renewed their Excursions, and made frequent Salles before it was light, well high as far as the *Roman* Camp. The *Scutarii*, provoked by their Insolence, made some Opposition, but finding themselves too weak to withstand their Violence, did what they could to animate the whole Army to join with them; yet had the Memory of the late Defeat made such an Impression on their Phancies, that only three *Tribunes* went in to their Relief, by name *Arminius*, *Seniachus*, and *Bappo*, who taking their Advantages as they could, without any set Form of Battle, did so great Execution, that they put the Enemy to a shameful Flight.



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Flight, and made great Slaughter of them, while one hundred another from getting away; which the rest of the Army eſpying from the Camp, was then ſo hardy as to give the Chace, and kill thoſe that were Conquered to their hands. This done, and great multitudes left dead upon the place, the Emperor returned Merrily, and as in Triumph, to Milan, and there took up his Winter-Quarters.

and the Em-  
peror re-  
turns to Mi-  
lan.

A ſtrange De-  
vice againſt  
Sylvanus.

28. There he had not made any long Continuance, when his Jealouſie and Credulity brought upon him ſuch an Inconvenience, as under it he might eaſily have Miſcarried. At this time Gall was very much haraſſed by the Inroads of the Neighbouring Barbarous Nations, whom, waſting it at their Pleaſure, with Fire and Sword, Sylvanus, then the *Magiſter Peditum*, oppoſed ſo Effectually, as to Reſtrain their Violence, being ſent away upon this Service by *Arbete*, who, for this year bore the *Conſulſhip* with *Lullianus*; and that by the uſual trick of Emulating Courtiers, who are wont to put their Rivals in favour, upon ſome tickliſh and dangerous Employment. *Dynamius*, that overlaw the Emperor's Carriage-Beaſts, had deſired Commendatory Letters from Sylvanus, as his Intimate Acquaintance, which he Simply and honeſtly, as not imagining the leaſt Inconvenience would follow, Granted under his Hand. Theſe Letters *Dynamius* kept, till he could find an opportunity to do him miſchief; and at length, his Envy being further provok'd, when he ſaw him buſily employ'd againſt the Barbarians in Gall, he took in the Advice and Aſſiſtance of *Lampadius*, *Preſeſus Prætorio*, *Eufebius*, formerly *Comes Rei Private*, who had the Surname of *Mattiſcopa*, and *Fidelius* the Ex *Magiſter Memoria*, then *Preſeſ*. They raze out all he had written in the Letters, only leaving the Subſcription intire; and in the room thereof, deviſe an Exhortation to his Friends at Court, and others, amongſt whom was one *Fuſcus Albinus*, to Aſſiſt him in his Deſign, which was no leſs than to take the Purple, and Uſurp. This Paper is produced, and *Dynamius* appointed to make Inquiſition after the Treafon. Such as were named in the Letter, and they could then come by, were taken into Cuſtody, and Officers ſent to Apprehend others that were in the Provinces. This making a great Noiſe, as well at the Court, as elſewhere; *Malarich*, who then Commanded the Souldiers called *Gentiles*, and was appointed to go and fetch Sylvanus, Exclaimed fore againſt it; affirming, that thoſe Perſons were Innocent, and merely, by the Tricks and Inventions of their Enemies, Circumvented and brought into Danger. Yet notwithstanding, at the ſolicitation of *Arbete*, who was *Apodemius* ſent with Orders to him, that he ſhould come up; that *Apodemius*, who was an inveterate Enemy to all Good men, who coming into Gall, never ſent him the Orders, nor let him know on what Errand he was ſent; but Aſſociating himſelf with the *Rationalis* of thoſe Parts, began to Vex and Diſturb the Friends and Clients of the *Magiſter Peditum*, as one already Proſcribed, and to be put to Death. While the Arrival of Sylvanus was expected, and *Apodemius* thus behaved himſelf in Gall, *Dynamius*, to gain Credit to what he had already done, reſolved to add one Cheat to another. He frames another Letter in the Name of Sylvanus and *Malarich*, to the *Tribune* of the Fabrick at *Cremona*, whom, as Conſcious to their Plot, it Adviſes to have all things in readineſs, and that ſpeedily. The Man was Exceedingly Diſturb'd at what he had read, not knowing what it ſhould mean, nor remembering, that ever he had any Intercourſe with theſe Perſons concerning any Matter of Secreſie or Concernment: therefore he ſent away the Letter to *Malarich*, beſeeching him to tell him plainly what the meaning was; for he was, for his part, ſo Simple and Ignorant, that he could not underſtand it.

29. *Malarich* heret as much concern'd, as one whoſe Safety was brought into ſo great Hazard, bewailed his own Condition, and that of Sylvanus his Countryman, and opened it to the *Frankes*, of whom a great Company in thoſe Days flouriſhed in the Palace; and now more openly than before inveighed againſt them by whoſe ſubtile Devices they were ſo much endanger'd. The Emperor acquainted therewith, by Advice of thoſe of his *Conſistory*, and the Military Officers, gave Order for a ſtrict Inquiſy into the Matter; and the ordinary Judges evading the Buſineſs, *Florentinus*, who then executed the Place of *Magiſter Officiorum*, more narrowly ſearched into it; and ſeriouſly viewing the Letter pretended to be writ by Sylvanus, diſcovered evidently ſome Remains of the Character, wherewith the Commendatory Epiſtle had been written, and a manifeſt Interpolation. Hereupon the Emperor abrogated the Authority of the *Preſeſ*, and ſubjected him to Examination; but by the Conſpiracy of many together, whom he had made his Friends, he eſcaped as well as the reſt, and *Dynamius* was honoured with the Dignity of *Correſtor of Italia*. In the mean time Sylvanus being advertiſed by his Friends how his Affairs ſtood, conſidering how induttrious his Enemy *Arbete* was to

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Arbeteus &amp;

Lullianus

Cofe.

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to deſtroy him, and how tickliſh and credulous the Humour of the Emperour was wont to be in ſuch Caſes, was very apprehenſive, that he ſhould be condemned Abſent, and Unhear'd; and as one exceedingly perplexed, and not knowing what to do, had ſome thoughts of committing himſelf to the Fidelity of the Barbarous Nations; but *Laniogaiſus*, a *Tribune*, telleth him that there was little Doubt, but the *Frankes*, from whom he was defended, would betray him for a Reward, or elſe kill him; he then after ſome ſecret Conſultations with his Officers, and great Promiſes made them, aſſumed the Imperial Habit (taking the Purple which was upon the Engines or Standards, as the Cuſtom of Uſurpers was, till they could provide themſelves of Robes) as thereto forced for his own Preſervation. The News thereof flies ſalt to Milan, and arrives there in the Evening, bringing ſuch Affrightment and Fear to *Constantius*, that in the ſecond Watch of the Night, all his Council was ſummoned to the *Conſistory*; whither being come, every one's Courage and Tongue failed him; but at length, upon Inquiry, who ſhould be ſent againſt the Uſurper, mention was made, yet coldly, of *Urficinus*, as a man exceedingly ſkill'd in Military Affairs, though of late diſgraced. Him they ſent for by the *Magiſter Admiſſions*, to do him the more Honour; and being entred the *Conſistory*, the Purple was given him to kiſs; and ſo he who not long before, through the malicious Inſinuations of the Court-Backbiters, was termed the *Whirlip of the Eaſt*, and ſaid, by means of his Sons, to aine at no leſs than the Sovereignty; now was called a moſt prudent Captain, and ſpoken of with ſuch Reſpect; as was due to a Fellow-Souldier of the great *Constantine*, as one alone fit to extinguiſh the Rebellion by honeſt, though cunning and crafty Means. By his Endeavour they concluded, that Sylvanus would be brought to Ruin; or elſe he, whom they ſuſpected as Angry ſtill, and revengeful for the Injuries he had receiv'd, would miſcarry in the Attempt. In both or either of theſe things, they thought they could not but be Gainers.

urſicinus ſent  
againſt him,

30. Conſultation then being had of haſtening his Journey, he thought it convenient, before his Departure, to clear himſelf of thoſe things formerly laid to his Charge, and began to reſell the Accuſations. But the Emperor interrupted him, ſaying; that now it was needleſs, and unreaſonable, when ſuch danger impended. A Debate was then held about the method wherewith Sylvanus ſhould be attacked. And it was reſolv'd; that, as if *Constantius* knew nothing of his aſſuming the Title, Letters ſhould be writ to him to accept of *Urficinus* for his Succeſſor, and return to Court, with the Dignity and Place he formerly enjoyed. Then was he diſpatched away, and took with him (for he had deſired that he might have that Liberty) ten domeſtick *Proteſtors*, amongſt whom was *Ammianus Marcellinus* himſelf, who wrote the Hiſtory; and *Verinianus*, his Colleague. They uſed all the Speed they poſſibly could to prevent the Fame of their coming; but notwithstanding all their Diligence, the News flew before them to *Colleen*, where they found a great Multitude, and many Forces met; and therefore they reſolved by all fair Means poſſible to addreſs themſelves, and colour their Deſigns, by the ſpecious Show of Obſequiouſneſs; conſidering alſo how near they were to moſt certain Deſtruction. *Urficinus* therefore taking this couſe, was kindly receiv'd, and kiſſed his Purple, as the manner was of ſaluting Emperours, for which he was Admitted into Inward Familiarity, to his Table, and into the moſt ſecret Conſultation what was now to be done for their Joynt Concernments. Sylvanus would ever and anon be complaining, with much Indignation, how moſt unworthy Perſons being preferred to the *Conſulſhip*, neither he nor *Urficinus* ſhould be thought worthy of any ſuch Honour, but on the contrary, moſt unhandſomely Treated; the one by Falſe Accuſations and Surmiſes of Treafon, and the other by being hurried away out of the Eaſt, and Expoſed to the Crafts and ſubtil Practices of his Enemies. This Security and Confidence of his, gave good Encouragement to *Urficinus* and his Companions; but the Army now wanting Pay, began to talk of paſſing the *Cottian Alps*, which Terrified, and forced them to venture upon the Execution of what they came about. They therefore tampered under hand, by ſit Inſtruments, with thoſe Companies called *Braccati*, and *Corviti*; knowing them of an inconstant Humour, and eaſily to be moved by the Temptations of Gain and Advantage; and ſo thoroughly wrought with them, that early in the morning they ſet upon thoſe that Guarded the Palace, and having killed them, drew Sylvanus out of a Chappel whither he had fled, and cut him in pieces. So periſhed a Captain of no mean Merits, whom the Craft of his Enemies, joyned with the Emperor's Credulity, had forced to this Uſurpation, merely for his own Security; for though he knew he had ſufficiently obliged *Constantius*, by delivering over the *Armature* (of which he was *Tribune*) to him before the Battel of *Murſa*, and beſides his

That Due pro-  
dentiaſmus, &  
Constantius  
Magiſtrat  
Comitiſtus.

who entraps  
and procures  
him to be ſlain



**Secl. 4.** Stout and Valiant Army. That he should find him ever Loving, and Affiant to him; and he hoped by God's Assistance, they should Govern the Roman World with equal Piety and Moderation. What he had said and done, the Soul-diers Approved by their usual Sign, which was, to make a noise with their Targets upon their Knees; whereas they were wont, on the contrary, to testify their Anger, or Sorrow, by beating their Shields with their Lances; and few there were but exceedingly Rejoyced; and (as our Author tells us) Admired the Person of the New *Cæsar*, as prefiging Wonderful Things to be Achieved by him. This passed at *Milan*, on the sixth of November, in the Consulship of *Arbeto* and *Lollianus*, as *Ammianus* expressly writes.

*Julian marries Helena, the Sister of Constantius, and goes into Gall.*

34. *Julian*, a few days after, received in Marriage *Helena*, the Sister of *Constantius*; and all things prepared for his Journey, set forward for *Gall* on the first of December, with a small Train, which *Zosimus* writes to have consisted but of three hundred and sixty Persons, having been brought on his way by the Emperour, as far as a Place (thought to be *Duris*) famous for two Pillars Erected betwixt *Laumellus* and *Ticinum*, or *Pavia*. He came to *Taurinum* (or *Trent*) where he first received the sad News of *Collein*, then a Famous City in the Second Germany, its being taken and razed by the *Barbarians*; which the Emperour had notice of before, but concealed it, lest he should be Discouraged. With this he was much Dismayed, as Ominous to him at his first Undertaking, and was often heard to Complain, and say, that he got no more by his Preferment, than to Perish with greater Tumult and Business. Being arriv'd at *Vienna*, he was received there with great Applause by all sorts of People, who Rejoyced, as upon the Rising of some Lucky Planet, and at the sight of their Deliverer. And an old blind Woman, asking who it was that made his Entrance, upon Answer that it was *Julian*, Replied, and cried out, That he should Restore the Temples of the Gods. Having here enter'd his first Consulship, which the Emperour bore (together with him) now the eighth time, and passed over the Winter in Anxious Cares and Consultations, he received Intelligence, that *Augustodunum* was Besieged by the *Barbarians*; a City of great Antiquity, and Large; but so Antient, that with Age the Walls were well nigh Consumed. To its Succour he moved, and Arrived there on the Twenty fourth of June, where he found not the Enemy, who, it seems, durst not abide his Coming; and therefore he Resolved to pursue him; and for that purpose taking only the *Cataphracti*, and *Balsarii* along with him, though but a slender Guard for his Person, Marched with speed to *Autisodunum*; where having made a short stay for Refreshing himself and his Army, he halted away to the *Tricassini*, and there so entertain'd those Rovers, who in great multitudes Engaged him, that some he Took, more he Kill'd, and the rest he put to Flight; though far he could not pursue them, by reason of the heavy Armour which his Souldiers wore. After this Action he departed to *Rheims*, and ordered the Army to be in a readiness, and stay for him; *Marcellus*, the Successor of *Ursicinus*, then Commanding, though *Ursicinus* himself was Ordered also to stay in those Parts till the end of the Expedition. Thence, after Serious Deliberation, did he march against the *Almans*; who, taking the Advantage of a wet and dark Night, fell upon his Rear, through places which they themselves alone knew; and had cut off two Legions, if upon a sudden noise made, the best of the Army had not gone in to the Rescue. Perceiving hence, that there was no proceeding without being endangered every day, by reason of their Knowledge of the Country, and his own Ignorance; he resolved to make himself Master of the Cities upon the Borders, wherein he might lye securely, and thence make Excursions, as he saw convenient.

35. After a prosperous Fight against the *Germani*, who endeavoured to hinder what he had Designed; he got possession of *Brotomagus*, and thence made for *Collein* (*Agrippina*, our Author calls it;) which had been Razed before his coming into *Gall*, in the Country adjoining to which, there was no City to be seen, nor so much as a Castle; only at the Place called *Consuentis*, where the *Moselle* and the *Rhine* do meet, there was a Village, by name *Rigodunum*, and one Tower or Fort, near to *Collein*; for it's reported, that to give Disturbance to *Magenius*, the Emperour *Constantius* procured the *Barbarians* to break into the Roman Pale, where they destroyed above forty Towns. In *Colein* he abode so long, till he had made a Peace with the Kings of the *Francks* (the Fury of whom long Untabed) and received of them a strong Town. With which Prosperous beginnings Encouraged, he Resolved to take up his Winter-Quarters about *Trier*. Here he found himself Involved in various Difficulties. The Garrison-Souldiers had forsaken their Posts, and

Seizes on *Plancus* lying upon the Borders of Germany.

**Secl. 4.** and were to be brought back to the Places most Exposed. The Neighbouring Nations had Conspir'd together against the *Romans*; in their Councils they were to be Disunited, if possible, and the Army wanted Provisions, which in the chieft place was to be considered. But, as Cares for the future are wont to be forgotten, when present Necessities fall upon us; he had Diversion given him by the Enemy; who, having learned from some Fugitives, that those of the Army, called *Scitarii*, were absent; and that the *Gentiles* were Dispersed through the Country for convenience of Quarter, laid Siege to *Senona*, where he now lay. He himself, with his Officers, watched Day and Night upon the Walls, having a great desire to make a Sally; but his Numbers being too scant for such an Attempt, he yet Manfully held it out, till the Besiegers, being tired, and having no hope to prevail, went their Ways. All this while *Marcellus*, the *Magister Equitum*, quartered not far off, neither was he ignorant what Danger *Cæsar* was in; yet never stirred to his Relief, notwithstanding his Duty had been to succour and preserve the Place, though *Julian* had not been in it. But he thus delivered, applies his Care to the Refreshment of his men, though the Country, so harassed with the Wars, afforded little Advantage. However by his Industry he procur'd Supplies elsewhere; and as to himself, though his Allowance was good from the Emperour, he was contented with the Diet of an ordinary Souldier; and so lived as if he had governed himself, according to the sumptuary Laws, or after the Rules prescribed by the *Rhetre* of old *Lycurgus*, for so our Author writes; who further adds, that as *Alexander* of old, so he now appointed the very Nights, not only to sleep and rest; but to two or three Employments, of publick Business, and his private Studies; yet, he more strenuously than the other: for *Alexander* held in his Hand a Silver Ball out of the Bed, under which was set a Basin of Brass, that when, through Sleep, he let it fall, it might make a Noise, and thereby admonish him of his Drowsiness. But *Julian* had not need of any such Monitor, waking as often as he pleased himself, and was wont to rise at Midnight; not out of any soft or sumptuous Bed, but his mean and ordinary Couch, secretly to make his Prayers to *Mercury*, whom he imagined to be, according to his, and our Historian's Divinity, the more quick and vigorous Sense of the World, and was wont to excite the Motions of the minds of men. This in so great Defects of things, he endeavoured to search out and discover; which Disquisition, both difficult and serious (you must know) being finished, he then applied himself to the whetting of his Wit. And incredible it is with what and how great Ardour, making Inquiry after the high Knowledge of the greatest things, and seeking out, as it were, Food for his Mind, still climbing up to higher Matters in his Disputations, he ran through all the parts of Philosophy.

*Ammianus the Historian his extraordinary Commendations of him.*

*A.D. 356. Constantio Aug. 8. & Juliano Cæsare Coss. Ammian. Marcell. lib. 26.*

36. These Matters (for we shall still follow *Ammianus*) he effectually and fully furnished himself with, and yet did not despise those of lower Concernment. For he was reasonably well skill'd in Rhetoric and Poetry, as his handson, though grave Orations and Epistles manifested; to which was added a manifold Knowledge of Roman History, as well as that of other Nations, and a sufficient Readiness in the Latin Tongue. If that therefore be true, which several Writers relate (thus he proceedeth) of King *Cyrus*, of *Simonides* the Lyric Poet, of *Hippias* the *Elean*, (the most Acute of all *Sophists*) their having so great Memories by Virtue of some small Quantities of Potions and Receipts which they used; it is to be believed, that he now Adult, drank off the whole Barrel of Memory, if any where it could be found. And these are the Evidences by Night of his Modesty and Vertues. As *Memorie* Delineated by his handson and Facetious Speeches, and how he behaved himself, either before or in his Advancement, or in Battles, or with what Magnanimity and Freedom he reformed Matters in the State; they shall all (he tells us) in their proper Places be demonstrated. When he, being a Philosopher, was, as a Prince, constrained to exercise and train his Souldiers, he would often make mention of *Plato*, and add, that this was a Pack, or Fardel, fit for an Ox to bear, and not a Burthen for his Souldiers. The *Agentes in Rebus*, being brought into the *Consistory* to receive their Gold, one of them amongst the rest, did not as they were wont, receive it in his Coat, but took it away in both his hands, at the sight of which he used this Expression; The *Agentes in Rebus* are skillful in taking, not in receiving, alluding to that rapacious Humour of these Officers, which heretofore we have observed. Having condemned a man to Banishment, who had ravished some Virgins; when he heard it was taken ill, that he had not put him to Death, he said; hitherto the Laws may blame Clemency; but it becomes a Prince of a most mild Disposition, to exceed the Laws. As he was on his March, he referred the Complaints of Petitioners

*Crudentum est bene vitam tam aduitem totam Memorie delineare.*

*Requisitum est bene vitam totam Memorie delineare.*

38. But *fo Julian* Evaded the malicious Accusations of his Adversary; but others found far greater difficulty to get off. For if any Person consulted any such as were accounted skilful ( in such profound Myteries ) about the Squeeking of a Rat,

40. About the same time he sent a (a) Constitution, or (as the Word is in the *Latin* of those Times) an Oration to the *Senate*, divided in the *Code* into three several Laws, concerning *Pretors*, the Nomination of them, and other Matters relating to these Officers. It had been a Custom for the Judges in *Rome* to assume to themselves the No-

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L. i. Siquis  
pecunias consti-  
verit &c. Co-  
th. lib. 9. tit.  
22. Accpt. 8.  
Id. Mart. Co-  
stantinop. Co-  
stantio Aug. &  
Juliano Ca-  
sare Cos. A. D.  
356. Abest ha-  
Lex à Cod. Ju-  
stin.

(a) L. L. 8, 9, 10  
de Prætoribus  
Dat. 3. Id. April.  
M. d. Nominatio diffi-  
guenda est à D.  
signatione. Nomi-  
natio erat, cum ad certum  
Prætoris genus  
quis antea de-  
signatus Præ-  
nominabatur.  
Vide Gothof.  
Comment.

Seft. 4.  
Regulates the  
Election of  
Pretors.

mination of some sorts of *Pretors*, and this was also sometimes practised by the *Consules*. But in the first place, *Constantius* Abrogates all such Customs, and will have these Nominations only made by the *Senate*. And, whereas, before the time of *Augustus*, at the making of a *Senatusconsultum*, no smaller number of *Senators* was to be present than Forty, and this being lessened by that Prince, was afterward various, either according to the Humour of the Times, or the Weight of the Matter therein Determined; in this Business of the Nomination of *Pretors*, he will have no fewer present than Fifty. In the third place (by the third Law) he Appoints the Time for this Nomination to be on his own Birth-day, or on the *Ides* (the thirteenth) of *August*, and the dayes following, if that alone be not sufficient; it being a Custom for the Birth-dayes of Princes to be Assigned to the beginning of other Offices also. Next after this, he Declares, he will have none to Purchase of the Senate by Money or Reward, Immunity from the Service and Charge of the *Pretorship*, but only such obtain that Privilege, whose Merits shall deserve that they be taken into the number of *Adlecti* by the Emperour himself; by which *Adlecti*, we have already observ'd, that those are to be meant, who, having never discharged an Office, were, by the Favour of the Prince, or his Letters, Admitted into the Dignity and Honour of that Employment. He Declares also, that such as by their Merits had deserved to be *Præfetti Pretorio*, or of other Dignity, shall enjoy this Immunity. And lastly, he Ordains, that none shall Discharge the Office of *Pretor* by a Substitute, viz. his Son, Grand-son, or any other, but in his own Person; this being the reason, as *Gothofred* concludes, because this Son, or Grand-son, if he lived, being a Senator, was to be *Pretor* himself; and so having Discharged the Office both for himself, his Father, and Grand-father, his Patrimony might be too much Exhausted. We shall only further observe, that this Oration is said to be read in the Senate by *Præxius* the *Proconsul*, on the Ninth day, or Seventh of the *Ides of May*, whereas by the Rule of *Augustus*, the Senate could only be held on the *Calends*, and the *Ides* themselves.

41. The Year following, into which fell the one and twentieth of his Reign, and the CCCLVII of our Lord, according to vulgar Computation, he himself the Ninth, and *Julian Cæsar* the second time bearing the Title of *Consul*; he continued still at *Milan*, till about the end of *April*. And at this time however his Jealousie might prevail with him against the Lives and Fortunes of Innocent Persons; yet he published some Edicts, which made well for the Ease of his Subjects. It was a thing sometimes practised by the Magistrates of this Age, in certain Cases, to lay extraordinary Taxes or Impositions upon the People Subject to their Jurisdictions; and namely, they that carried the Title of *Speſtabilis*, as the *Proconsuls* and *Vicars*; but they especially, who in these Dayes took too much upon them in other Matters, as that of Appeals. This bringing, both great Damage and Inconvenience to the *Provincials*, and thence as great Scandal to the Government; by two several Laws he obviates the Practice; whereof the first is directed to the People to give them therein Satisfaction, and the other to *Taurus*, the *Præfectus Pretorio* of *Italy*, to whom belonged, as the Care and Oversight of *Tributes*, to lay an Inspection over the Governours of *Provinces*, and also the Levying of extraordinary Taxes or Impositions. By these Laws he prohibits any ordinary Judge or Magistrate of the Dignity of *Speſtabilis*, or *Clarissimus*, to lay any extraordinary Charge upon the Subject, under Pain of paying himself the Double of the Sum, and his *Officium*, or Officers, twice as much as the Double, or fourfold. But thinking it not reasonable to force the same Inhibition upon the *Præfetti Pretorio*, he makes a Distinction betwixt sudden and urgent Necessities, and such as were not at hand, but might be foreseen, and at Distance. In the latter Case, when there was Leisure enough, the *Præfetti* ought to impose nothing, but at the time to certify the Prince, that according to the Custom, such Tax was to be imposed; that he might Consider of his own Occasions, and Rate the *Provinces* accordingly. But when there was urgent and inexcusable Necessity, so as the publick Safety would not dispense with Delay, then might the *Præfetti Pretorio* impose an extraordinary Tax; (not Extraordinary as to the Quantity of the Sum is to be meant, but in Opposition to the ordinary or Common *Tributes*) and this done, he was therewith to acquaint the Emperour, that by his Authority the thing might be confirmed, or receive Alteration before the Gathering of it. Other succeeding Princes, as we may see hereafter, denied this Power to the *Præfetti*; the ordinary, and extraordinary Indiction of *Tributes*, both alike, belonging to the Sovereign Authority. But

Lessens the  
Power of the  
Governours in  
raising Money.

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But here *Constantius* Grants it with two Restrictions. The one in case only of Insuperable Necessity, which admits of no Delay; and the other, so as it be Approved and Confirmed by the Prince, who before the full Exaction or Collection might be Certified of the Occasion, and both of that, and the Sum Imposed, send his Approbation, or Dislike.

Publishes an  
Edict for regulat-  
ing the Cur-  
sus Publicus.

42. Some fifteen dayes after, he Published another Edict to the same *Taurus*, concerning the Management of the *Cursus Publicus*, Determining of what sort of Men the *Cursus*, or those that had the Charge of it, should be Chosen; how many in number, and what their Duty should be. Hitherto out of the *Officium*, or Attendance of the *Præfetti Pretorio*, and oftentimes from amongst those of their *Vicars* Persons were wont often to be Deputed to this Charge, nay, from amongst the *Memoriales*, and other *Palatines*. But by this Law he Forbids this to be Practised for the time to come; Commanding that the *Agentes in Rebus* alone be appointed to this Employment. Their number he will have to be two in every Province, which he thinks sufficient for the Publick Charge of the *Cursus*. As to the Duty of the *Cursus*; he first Requires, that they take Care, left any make Use of it but such as have License so to do, obtained from the Prince himself, or from other Magistrates who had Power to Grant it, as the *Magister Officiorum*. As also, that none exceed the Liberty Granted to them; as if they have only Permission to make Use of one Chariot or Carriage, that they have not two, or instead of a Lesser, a greater Waggon. Here, as to the usual Carriages, mention is made of these four several sorts, viz. of *Rhedæ*, *Brotum*, *Veredus*, and *Clabula*. That called *Rhedæ* was drawn by no fewer than Eight or Ten Mules; the *Brotum* with three; *Veredus* was a single Horse, and the *Clabula* was drawn by four Oxen. He further requires, that such as pretend Licence from the Prince, do produce it, and make it appear to these *Cursus*, of what Condition or Degree forever they are; whether *Tribunes*, *Notaries*, or such as bear the Title of *Comites*.

L. 2. de Cursu  
si Cod. Th.  
lib. 6. tit. 29.  
Dat. 19. Cal.  
Idis Nov. L. 2.  
Cod. Justin.  
hinc interpretate  
et qd.

The Persians  
infest the Ea-  
stern Provin-  
ces.

43. In the mean time, the *Persians* Infested the *Eastern Provinces*; not Fighting, as they were wont, but like Thieves and Robbers, snatching away what they could get; in which course of Hostility they sometimes Fared well, and other whiles came by the Worst, and short home. *Musonius*, the *Præfetti Pretorio* of the *East*, being a Man of Good Parts, but, as the Humour of the Times was, Mercenary, and easie to be drawn aside by Money, by certain Cunning Emisaries he employed, discovered their Designs, having taken in to his Assistance *Cassianus*, the *Dux of Mesopotamia*; one who was Hardy enough, as an old Souldier. Although by their Spies they knew sufficiently that *Sapor* the King was Employed in a Bloody War against some Neighbouring Nations; yet did they solicit *Tam Sapor*, one who Commanded the Forces which lay nearest to the Empire, to perswade his Prince by Letter to make Peace with the Emperour, that being thereby rendered Secure on this side, he might with the more Ease and Security Grapple with his other Enemies. This he undertook, and signified to his Master, that *Constantius*, being Involved in most Difficult Wars, earnestly begg'd Peace; but in the passage of the Messengers to the Countries of the *Chionites* and *Alani*, where the *Persians* Wintred, much time was spent. While Matters went thus in the *East*, *Constantius* lying still at *Milan*, and having little to do, resolved to take a Journey to *Rome*; there, as our Author Censures him, without any good Pretence, to Triumph over the *Roman* Subjects whom he had kill'd; the first that did thus after the Destruction of *Magentius*; as if he had now shut the Temple of *Jannus*, although neither he in Person had Conquer'd any Nation, nor by the Valour of his Captains had Subdued any, nor added New Provinces to the Empire. So far was he from this, that he was never seen in the greatest Dangers, nor to go on with the Forwardest; but loving to make a great Show, that the People, who little cared for it, or at all desired it, might behold his Banners Glistering with Gold, and his Guards with Silver. He was pleased to be seen abroad, not knowing, perhaps, that some Princes of old would in times of Peace be content with a few *Lictors*; but when the Case required it, venture their Lives with all Alacrity, and refuse no Dangers, that they might leave the Memory of their glorious Actions behind them. that they might leave the Memory of his Train, as well as the great Dignity which he enjoyed, he drew the Eyes of all Men upon him, and, as with a Complete Army, pursued his Journey towards the City.

Constantius has  
vying nothing  
to do, makes a  
Journey to  
Rome.



Sect. 4.

The manner  
of his Entry.

44. When he came nigh to it, he was met by the *Senate*, and all the People, and so great was the Confluence, that he thought all the World was met at *Rome*. In his Golden Chariot he made his Entry, shining like the Sun, through the Quantity and Lustre of its Gems. The Dragons Embroidered upon Purple, flattered in the Air about him from the ends of their Staves, which Glittered with Pearl and pretious Stones; and while they were tossed in the Wind, by their Length and Wavings, they seemed to imitate the True and Living ones, in Hisling, and in the Tortuosity of their Tails. He was Encompassed with double Ranks of Armed men, who wore Targets and Helms, as also Corslets bright and shining; and amongst them rode here and there the *Cataphrati*, (whom the *Perfians* called *Clibanarii*) so Fenced about their Bodies and Limbs with Iron, that one would have imagined them to have been Images, polished by the Skillful hand of *Praxiteles*, and not Men's their mour being so wrought with Joynts, that what Part soever they moved, it gave way. The Emperour now being Saluted on every side with lucky Acclamations, and the Noise, both of Voices and Instruments, fate as it were Astonished, and kept himself as Immoveable, as he was wont to do in the Provinces. For as he entered the High Gates, he stooped with his very low Body; but kept his Eyes still fixed before him, and as if they were set in his Head; looking neither on the one side nor the other, neither when the Chariot flaked, at all moving; not so much as Spitting, wiping his Face, or blowing his Nose, or in the least seen to stir an Hand: which posture of an Image, though he did affect, yet (saith our Historian) this, and some other passages of his Life, were signs of no small Patience; and as one would have thought, to him alone granted. But again, he seemed as rigidly Supercilious, on the other side, that during his whole Reign, he never took any man up to him in his Chariot, nor used other marks of Civility wont to be bestowed, upon Discretion, by other Princes. When he was come to the *Rosira*, he was amazed at the Sight of the *Forum* (that Demonstration of the ancient Power of the Inhabitants) and when looking on every side, he could behold nothing but Miracles, he spake to the Nobility in the *Curia*, or *Senate-House*, and made a Speech to the People from the Tribunal. He was wonderfully delighted with the Place, and was thereby moved to so good Humour, that when the *Equestrian* Games were celebrated, he was well pleased with the usual Tasting of the Multitude, which carried it self towards him, neither fawcily, nor yet abating any thing of its wonted Liberty at such Solemnities; and he accordingly kept his Mean, neither bearing himself haughtily, nor descending from his grave Deportment. In the view of the City these Rarities he most admired: the Temple of *Jupiter Tarpeius*, excelling, if you believe *Ammianus*, as much other Buildings, as Divine things are wont to surpass those that are but humane; the Baths built in manner of Provinces, he means as large. The *Amphitheatre*, to the Top whereof the Sight of man could hardly reach. The *Pantheon*, famous for its Arches and Pillars, having the Trophies and Statues of *Confius*, and ancient Emperours on the Top; the Temple of the City, the *Forum of Peace*, the *Theatre of Pompey*, the *Odeum* or Place of Musick, the *Stadium* or Course, and other Ornaments of this *Eternal City*; the ordinary Epitaph our Author gives it, as do the Emperours in their Laws.

But what is chiefly.

45. But when he came to the *Forum of Trajan* (that Structure of all Structures, under Heaven, as we suppose (saith he) and by Assent of the Divine Powers, Wonderful) and considered the Gigantick Workmanship, neither by words to be set forth, nor to be imitated by Mortals, he stood astonished. But some Emulation the sight thereof wrought in him, though he Despaired of doing what might equal any thing in it, except the Statue of *Trajan* on Horseback, which, he said, he both could and would Imitate. To which *Hornisida*, one of the Blood Royal of *Perfians*, standing by, Replied, that he first should do well to Build such a Stable, and then bring a like Horse into it; who being also Demanded what he thought of *Rome*, made Answer, That it was only Pleased (Displeased *Sigontus* reads it) in this one thing, that Men died there as well as in other Places. The Emperour Amazed with what he Daily saw, Complained of Fame, for her either Weakness, or Malignity, that usually Enhancing the Repute of other things, was Deficient in what concerned *Rome*; and Deliberating much what to do, he resolved to add to the Ornaments of the City, and to Erect an Obelisk in the *Great Cirque*. In the mean time, *Eusebia* the Empress practised too much her skill upon *Helena*, the Sister of her Husband, and Wife of *Julian*; which Lady, having in shew of kindness brought along with them to *Rome*, the perfwaded her to take something which made her Misferry; for, being Barren her self, she could not endure that She should be a Mother; and therefore, when the had formerly in *Gall* been brought to bed of a Boy,

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Sect. 4.

He is called  
away by the  
Invocations of  
the Northern  
Nations.Some Laws he  
made at Rome.He comes to  
Milan.Where he  
restrains the  
Extravagances  
of the Agents  
in Rome.And further  
provides for  
the Curiosi Pub-  
licus.

the Bribed the Midwife to Destroy him, by cutting off too much of his Navel: so great endeavour was used to prevent that most Valiant man his having any Issue, faith our Writer. As for *Constantius*, he had a great desire to stay still at *Rome*; but was called away by frequent Messages; that the *Suevi* had invaded *Rhetia*; the *Quadi*, *Valeria*; and the *Sarmatae*, a People skilful in pilfing above others, had made their Incursions into the Upper *Moesia*, and *Pannonia* the Second. He therefore Departed the City, the Twenty ninth of *May*, the Thirtieth day after his coming thither. *Sigontus*, *Baronius*, and others, place this his Journey to *Rome* *Vide Chronic.* in the preceding year, viz. the CCLXVI of our Lord, and the Twentieth of his Reign, but that it happened in this following, we are induced to believe, from the Dates and Subscriptions of some Laws, which Declare him to have been at *Rome* this year, and at this very time of the year; whereas in Laws of the preceding, of *Rome* there is no mention. There were certain Accountants, or Clerks, be-  
longing to the Armies, though no Souldiers, yet under Command of the *Magistri Militum*; their work being to keep Books of what Provisions were due, and paid to every Company, and of every man that served in them. These men, to prevent the Auditing of their Accounts, in which they were often found Careless or Dishonest, were wont to procure themselves to be raised to Places of Dignity, of which *Constantine* the Great taking notice, had prohibited that practice; yet notwithstanding was it grown again to such a Grievance, that by an Edict directed to *Taurus*, the *Præfatus Prætorio*, *Constantius* Reinforces what was Ordained by his Father, and Orders him to write to the *Magistri Militum*, that the Law be put in effectual Execution. This Edict bears Date from *Rome*, on the sixth of *May*, in the Ninth Consulship of *Constantine*, and the Second of *Julian*. There is another Edict, Dated also at the same Place, and directed to *Olybrius*, (rather *Orpilius* should be read) the *Præfatus* of this City, in Favour to which the Edict is made, Prohibiting any Persons to Injure or Molest the *Nauicularii*, who brought thither Provisions, either in their Coming or Return, under pain of Forfeiting Ten Pounds of Gold. Indeed the Date of this Law is on the first of *June*, whereas *Ammianus* writes, that *Constantius* departed three days sooner; but a Mistake of three days is easie; or instead of *Dated*, is rather to be read *Received*; they being both usually fit to the Constitutions of Princes.

46. *Constantius* departing from *Rome*, came to *Milan*, and there made his stay till toward the middle of *December*. Here he received Complaints, how the *Agentes in Rebus* abused the Favour he had shewed largely to them; by which Encouraged, and presuming, they Committed many outrageous Acts, both of Violence, Rapine, and Adultery. For they were under the Disposition, as the *Notitia* of the Empire sets them, of the *Magister Officiorum*, and from his Office, or Attendance, were sent abroad into the Provinces, as occasion served. Now *Constantine*, forced to it by the many Complaints of the People, by an Edict bearing Date of the Twenty fourth of *September* to *Taurus*, the *Præfatus Prætorio* (or at that time Received) takes away all benefit they had from such Relation or Dependence, and subjects them and all other *Palatine* Officers whatsoever, in case of any Crime committed, to the Jurisdiction of the Ordinary Judges of the Provinces; in like manner, as by another Law he Enacts, That the *Curiosi*, whom he Ordered, as we have seen, to be Chosen out of their Body, be Judged by the *Præfatus Prætorio*. In case of Violation of Chastity, he Commands, that they be punished according to the usual manner. But in case of Rapine, or taking away any man's Goods, that they be Restored Double; as he also the same year, by another Edict, threatens the *Curiosi*, with payment of Four-fold the Value of what they unjustly took away. We lately mention'd how, in a Law made concerning these *Curiosi*, he took care of the *Curiosi Publici*, or Postage. But besides that, by two other Edicts made this very year, and Directed to the same *Taurus*, the *Præfatus Prætorio* of *Italy*, did he further provide for the due Management of that Publick Service; which, as thence appears, was of extraordinary Concernment at this time, and scarcely sufficed to serve Publick Ends: of which this might be one reason, that there were many *Synods* to which Bishops posted up and down in those days, (touch'd at by *Ammianus*) and they had the Use thereof Granted them in their Travels; but besides the Express Charge, that none of what Quality soever (the *Præfatus Prætorio*, and the *Magister Officiorum* excepted) might make Use thereof, without having produced a Licence (if they did, their Names were to be Certified, either to the *Præfatus* or the *Magisters*) several other ways he prescribes for prevention of Abuses. Left the Beasts should be over-wrought and spoiled, he settles what Weight the three sorts should carry: as the *Rhedæ*, not above one thou-

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357.

L. 5. de Navi-

culis Cod.

Cod. Theop.

L. 3. tit. 1.

Dat. Frid.

Don. Meli. Ab-

b. 2. Cod. Ju-

stin.

L. 9. de Navi-

culis Cod.

Th. lib. 13.

L. 5. Dat.

Rome, Mel-

ee Justin.

Data pro de-

creta.

L. 2. de Jus-

ditiis, &amp;

L. qui causen.

D. Cod. Th.

L. 2. tit. 1.

Data &amp; Acco-

p. 1. de Balcl. Offi-

L. 2. tit. 1.

L. 2. tit. 1.

L. 2. tit. 1.

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Sect. 4. land pound Weight; the *Biretum*, not above two Hundred; and a single Horse, "A. D. 357.  
or *Verecus*, no more than Thirty. He will have the *Rheda*, which had four wheels, in Summer to be drawn by eight, and in Winter by ten Mules; but thinks three sufficient for the *Biretum*, which from its two wheels had its Name. Then doth he Restrain and Limit the Power of the *Præfatus Prætorio*, as to Granting Licenses, as not to give leave to any to make stay upon the Road, and have Allowances or Provisions, at the Mansions or publick Inns. Which Indulgence the Prince Reserves to himself. That he shall not Lightly Grant the Use of the *Rheda* and *Biretum*; but as to the *Verecus*, he being a single Horse, was not of that Importance, and he must not Grant any Licenses at all to the *Agentes in Rebus*, when sent on a Message into the Provinces; because they were to receive them, either from the *Magister Officiorum*, or the Emperor himself.

How Matters  
in the mean  
time went in  
Gall.

47. While the Emperour Employed himself in making of Laws, let us see how *Cæsar* behaved himself in *Gall*. He was much pleased that *Constantius* had sent *Severus* to Command under him in the room of *Marcellus*; a Man of a Facile and Compliant Humour, and of a very good Experience. *Barbatio*, who after the Death of *Sylvanus* was also Promoted to be *Magister Peditum*, was sent out of Italy with a Supply of Twenty five thousand men, by doubled Forces, if it were possible, to Curb the *Almani*, and Force them up into their Bounds. Yet herewith were they not so Terrified, but that passing betwixt the two Camps, in their pilfering manner, they Roved as far as *Lugdunum*, or *Lions*, and little misfed, but that they had Sacked and Burnt it; but being timely shut out, and Repulsed, they Walked the Country round about *Julian* having notice hereof, sent away three strong Parties of Horse to lye in wait for the *Barbarians* in three several places, by which he concluded they would return, and his Design wanted not good Success; by which they were all cut off, and the Booty Recovered, except such as escaped, where *Barbatio* had his Post Assigned him. There *Bainobaudes* and *Valentinian* (who afterward was Emperour) being with their Troops Commanded to keep the *Guard*, were forbidden by one *Cella*, the Tribune of the *Scutarii*, who Accompanied *Barbatio* in the Expedition, to watch and keep such Ways as they had learn'd of the *Germani* were to return by. This, as *Cella* afterward confided, was done by order of the *Magister Peditum*; but he being a Coward, and Envyng the Fame of *Julian*, sought to Excuse himself, and make the other Suspected, told another Tale to *Constantius*; as if these two *Tribunes*, under pretence of Publick Service, came to withdraw from their Obedience the Souldiers he Commanded; upon which Accusation they were turn'd out of their Places, and sent home. However, this Defeat, and the noise of the Approach of the Armies so terrified the *Barbarians* that lived on this side the *Rhine*, that such ways as were difficult of themselves to pass, they endeavour'd to make utterly impassable, by the cutting down of great Trees: others betook themselves into the Islands, with which that River is bespread, here and there, reviling and cursing *Cæsar* and the *Romans*. *Cæsar* demand'd of *Barbatio* seven Boats with which he intended to make Bridges over into these Islands; but he, having Notice of his Design, burnt them all; so that being herein frustrated, he resolv'd to send over some *Auxiliary Velites*, under Command of *Bainobaudes*, the Tribune of the *Comiti*, at a place, where he understood from Prisoners, the River was fordable. These men sometimes wading, and sometimes swimming by help of their Targets, got into the nearest Island, where they slaughtered, like so many Sheep, all those they met with, and there getting some small Boats, pass'd over to the other Isle; where having wearied themselves with killing, they returned laden with Booty, but lost part of it in the River. The other *Germani* finding in the Island but little Security, removed with all they had into places more remote.

48. After this *Julian* bent his Study to fortifie the *Three Taberna*, a Fort so called, which having been lately demolished by the Enemy, was now thought to be of great consequence, as to hinder the Irruptions of the *Germani* into *Gall*; and he finish'd the Work sooner than could be hoped, and laid in Provision for an whole year, which with much Hazard he got out of the Enemies Country. Besides, he victualled his own Army for twenty Dayes: for of such Corn as had been of Course provided, *Barbatio*, as it came that way, took half, and burnt the rest; either of his own Head, as he was a vain and a sick-brain'd man, or by private Hints from the Emperour how to behave himself toward *Julian*; who, as was whisper'd up and down, was not sent on Purpose to Relieve the Province of *Gall*, but to be exposed to the Wars, that he might miscarry, being look'd upon as raw, and unexperienced, and one that would not endure so much as the clashing of Weapons together. But while he busied himself in building this Fort and other Works, the *Barbarians*

Sect. 4. *barians* set upon *Barbatio*, and beating him as far as the *Rauraci*, took the greatest part of his Baggage, and return'd; which pass'd, as if this Summer's Expedition had been very well over, he sent his Men into their Winter-Quarters, and got to the Emperour's Court, there to do ill Offices to *Cæsar*, as he was ever wont, in *Amianus*'s Opinion. However, such ill Effect his Rout and Departure had, that several Kings of the *Almani* joyn'd their Forces together, and late down near to *Argentoratum*, verily thinking, that *Cæsar* himself had, out of fear, run away, whereas he was still busied about the Fort but now mentioned. Though they found it otherwise, yet being told by a Souldier that ran away to them to escape Punishment; that he had with him only thirteen thousand men, they had the Confidence to lend to him, and in a Menacing, Imperious manner to Command him to be gone, and quit the Country, which he had Invaded: with which Message he was not at all moved, but Laughing at the Infolence of the *Barbarians*, kept the Messengers with him, till he had finish'd the Work. Yet found he reason seriously to consider, that he was intangled in no small Difficulties, being Exposed with a small number of men, though very Valiant, against so Numerous an Enemy; who had some reason to be more Confident upon the departure of Vanquish'd *Barbatio*, and were Animated by *Chnodomarius*, one of their own Kings, much Elevated by his good Success; for he had formerly beaten *Decentius Cæsar*, the Brother of *Magnentius*, though Fighting on equal terms, had Wasted and Destroy'd many Places, and ranged up and down *Gall* without Controul.

49. Notwithstanding, *Julian* thought fit to Engage them now, lying at one and twenty miles distance, and this Resolution was approved by the Principal Officers, and amongst others, by *Florentius the Præfatus Prætorio*, then present. By a Speech fitted to the occasion, he Encouraged his Men, though they were by their own Inclination forward enough, so as they cried out to be led on to find out the Enemy. And the Enemy having notice of their March, stood ready to receive them in this manner. Having by the Fugitive Souldier understood, that the *Roman* Cavalry was placed in the Right Wing, they set opposite to them the best Horse they had, but with them some Foot mixed here and there, with very good reason. For they knew very well, that the *Chibanarii* being so Armed as they were, the Horsemen holding the Bridle in one hand, could, with the Lance in the other, do little Execution upon men that were Inclosed, and as it were, hid in Armour, but the Footmen Creeping and Insinuating themselves here and there, according to occasion, could easily stab the Horses, who then tumbling down with their Burthens, the Riders kept under by the weight of their Arms, without much ado might be Dispatched. *Chnodomarius* and *Serapio*, more Famous than any other Kings, Commanded in Chief, being Assisted by five others, and ten more of the Royal Families, besides a great number of their Nobility, who altogether had brought into the Field thirty five thousand men of several Nations, wherof some were Hired, and others were Obliged to it by an Offensive and Defensive League. When the Battle came on, the Foot began to Mutiny, and cry out, that their Leaders should not fight on Horseback; for they apprehended, that they purpos'd, if Danger should threaten, to shift for themselves by the Swiftness of their Steeds, and leave them as a Prey to the Swords of their Enemies; which *Chnodomarius* no sooner heard, but he leap'd from off his Horse, as did all the rest, not doubting but they should be Victorious. And they Fought very stoutly, some of them upon their Knees, Labouring to Gall and Discourage the *Romans*, who found their Matches in this Fight, now the one side, and then the other seeming to have the day.

50. The Right Wing of the *Roman* Army gave ground, and began to run in much Disorder, till one hindring another in the Flight, Shame fo wrought upon them, as to make them stop their Career: but then again the *Cataphrasti* perceiving their Commander to be wounded, and another by the Weight of his Armour fallen from his Horse, thereat discouraged, turned their Backs, and shifted for themselves; which ill Example fo moved the Foot, that they had run too, if one had not also hindred another. *Julian* seeing the Horse thus shamefully running away, by all the Rhetorick he had, labour'd to stop them; and his Language so much prevailed, with one of the *Tribunes*, who knew him by his Purple Banner, whereon was wrought a Dragon fixed to a longer Spear than ordinary, that he made an Alt, and endeavour'd to persuade his Companions to Rally. In the mean time the *Almani* having Routed the Horse, were fallen with Violence upon the Foot; but found more Resistance, after they came to Handtocks, from the Valour and Experience of the *Comiti* and *Braccati*: yet was the Fury of the *Germani* so great,

The Barral of  
Argentoratum,  
or Strassburg.

Sect. 4. great, that it prevailed against the fedate Cautioness of the Roman Legions so far, as that cutting themselves a Passage through their Ranks, they pierced as far as the Body of those called *Primani*, who being the choicest Legion of all, received them with still more Care and Circumpection; and taking Advantage at their Rashness, did to great Execution upon them, that the Pursuers at length, after a great Slaughter, despair'd of Success, and were themselves put to flight. The Roman confest the Success was more according to his Wish and Desire, than Expectation; and giving the Chase, when his own Weapons were blunted with hacking and killing, leathred the Enemy's Sword in the Bowels of the owner. The *Germans*, not able to flee fast enough for the Heaps of dead Bodies lying in their Way, many of them ventured to take the *Rhine*, which was near to the Place of Fight, and therein were most of them, either drown'd or killed by the *Romans*, whom *Cæsar* (with much ado) restrain'd from entering the River, though the Rapacity thereof threatened them with present Destruction: *Chnodomarus* endeavouring to pass the Water, was known by the great Bulk of his Body (as all his Countrymen were ordinarily Large and Tall) and being pursued was forced to yield, together with his Followers, two hundred in number, and three of his most intimate Friends. Of the *Germans* were fix thousand found dead in the Field, besides vast numbers which perished in the River. Of the *Romans* fell but two hundred, and three and forty; and of these four Commanders, amongst whom was *Bainobaudes* Tribune of the *Cornuti*. The Army saluted their General with the Title of *Augustus*; but he flatly refused it, Sweating, that he neither expected, nor desired that Honour. *Chnodomarus* being brought before him and his Council, humbled himself upon the Ground, and beg'd Pardon, which was granted him; and being sent afterward to the Emperor's Court, he ordered him to be conveyed to *Rome*, where he died at length in the Place called *Castra Peregrina*, on *Mont Celius*. The News of the Success being brought to the Emperor; they about him ascribed it to his Felicity alone; and he was so much puffed up with their Flatteries, as in his publick Edicts to ascribe this and other Victories to his own Valour, as if he had fought at the Head of his Army. Infomuch, that when he was in *Italy*, if any of his Captains fought prosperously against the *Persians*, by his Laureat Letters sent into the Provinces, he would pretend to have engaged amongst the Chiefest, making no mention at all of him that had won the Battel. This prodigious Story *Ammianus* tells of him; though amongst his Laws now extant, we find no such Edicts; and *Aurelius Victor* attributes the Success of his Officers to his Councils.

51. *Julian*, after the Battel, Commanded all the Bodies to be buried; and then setting at Liberty the Ambassadors of the *Almains*, who had brought that Imperious Message, returned to the *Three Taberne*, the Fort he had lately repaired; whence sending the Prisoners, and all the Booty to the *Mediomatrici*, there to be kept, till his Return; he resolv'd to go to *Maguntiacum* (now *Mentz*) and by a Bridge to fall upon the *Germans* in their own Country. Surprized by so unexpected a thing, and to divert him, they sent beg'd a Peace; but then suddenly changing their Minds (upon what Grounds it's not easie to say) by other Messengers they threatened him with War, in Case he would not depart out of their Territories. *Cæsar*, to begin first, sent over a Party into their Country, which waited all with Fire and Sword, and resolv'd to repair a Fort, that *Trajan* formerly had called after his own Name; which so exceedingly discouraged them, that they sent and again beg'd Peace, and a Truce he granted them for ten Months, resolving in that time to finish those Fortifications that he had begun. But returning to his Winter-Quarters, he found other Work cut out for him. For six hundred *Franks*, encouraged by his Absence in *Germany*, and finding none to make any Resistance, had rifled all the Country about *Rheims*; and when they heard of the Return of the Army, seiz'd on two Forts which had been dismantled, and therein fortified themselves as well as they could. *Julian* very much startled at the News, concluded that they were not to be suffered to escape without Chastisement, and laid Siege to one of the Castles, standing upon the *Mose* (or *Mense*) which held out three and fifty Days, almost all *December* and *January*; so pertinacious and obstinate were the Defenders. But resolv'g to starve them out, left by night they should escape over the River, that was then Frozen, and bring in Provisions; he caused the Ice to be broken, and Boats all the Day long to ply to and again, on Purpose to keep the Water open; with which, and other Courses, they were so discouraged, as to yield themselves; and were by him sent away to the Emperor. A multitude of their Countrymen were coming to their Relief; but understanding how they had fared, and were dispos'd of, returned to their own Homes. All Coasts being now clear, *Julian* went

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Wherein *Julian* beats the *Germans*.

*Zosimus plus ego, Juliani Glorie Indulgetur Error in Trecentum impressis* *Straginta milia Alamanorum dicitur in Campo curia, totidem qui vi Flaminii Consuevit, quod vi Vallis man. Vallis in L. Libolus 30000. tantum in Germania exercitum offi dicitur in his 80000 missi occisi.*

*Ammianus Marcellinus lib. 17.*

He hath the better of the *Franks*, who waited the Pass about *Rheims*.

He goes to *Paris*.

Sect. 4. to *Paris*, there to spend the remaining part of the Winter, and to Consult how to improve the small time of the Truce, to the Ease and Refreshment of the Exhausted Provinces: and about this Matter hapned a Contest betwixt him and *Florentinus*, the *Præfatus Prætorio*. For the *Præfatus*, whose Duty it was to take care of the Tributes, finding so much behind of the Sum, would have it made up by greater Burthens laid upon those that were able to pay, after the manner we have already related, how in case the Grounds or Estates of some failed, the Sum was to be Completed by the Neighbourours. But *Julian* oppos'd it, saying, he would lose his Life before he would suffer such a thing to be done; knowing well, that this way of Provisions Ruined the Provinces, and particularly, had brought *Illyricum* into a sad condition. The *Præfatus* exclaiming, and urging, that he must not betray his Trust to the Emperor, who had committed to his Management things of this nature; he endeavour'd to pacify, by gentle words, and casting up the Accounts, shewed him, that the Tribute, as now Collected, would suffice, over and above, for the Publick Expence. Notwithstanding, afterwards, there was offered to him a Bill for an Additional Tax, which he would not so much as read, nor subscribe, but cast it to the Ground. And when the Emperor, by Letters, admonish'd him not to be so Nice, nor Detract from the Repute of his Ministry; he wrote back, that the Provincials paid what was sufficient, and more could not be got, where it was not to be had. His Constancy and Resolution herein so far prevail'd, that no greater Burthen than usual was laid upon *Gall*: and, which thing otherwise was not heard of; he prevail'd with the *Præfatus*, to leave the Management himself of the Revenue of *Belgica Secunda*, which was grievously harried; so that no Officer or Apparitor belonging either to *Præfatus* or *Præsidium*, should meddle with the Collection; which proved a very great Ease to the Inhabitants, who paid their shares rather sooner than they became due.

Provides for the Ease of the Provinces.

He subdues the *Sali* *Franks*, and the *Clamovi*.

His Army wants Provisions, and Mutines.

52. Having settled these and other Matters, as he thought convenient, he made all provision he could to prevent the *Almains*, and be upon them ere they could be united. He had not the Patience to stay for the Month of *July*, at what time the *Gallian* Armies were wont to take the Field; for, being supplied with Corn out of *Aquitain*, they could not March till they had the Provisions with them, which coming, both so far, and so slowly, by reason of the Weather, could not be ready before that time. But, as *Barbarians* unexpected; he resolv'd to take with him twenty dayes Provision, and went his way, hoping, at this rate, to finish two Expeditions in the space of five or six Months. He first Attacked the *Franks*, called *Franci Sali*, who in former time the *Roman* People. Being come as far as *Tongres*, their Ambassadors met him, desiring that living Quietly, and Inoffensively, they might find suitable Usage from him; whom he sent back rewarded, with a doubtful and perplexed Answer, and, as if he intended to stay in the same Place till their return; but meaning nothing less, he was well enough with those that sent them, as soon as they; and sending *Severus* with a Party on before him, fell upon them like a Tempest, and by the Surprise forced them to give up themselves, and all they had into his Hands. After this, the *Chamavi*, who had Deserv'd just as much as they, he Treated not after the same manner, though he used the same circumstance of Halte and Surprise; for they made very stout Resistance, and some he killed, others he took alive, and cast them into Bonds, and the rest he suffered to escape; and when their Messengers, prostrate on the ground, begged Pardon, he granted it to them. Things thus far succeeding according to his wish, he thought fit to defer his further March till such time as he had Reinforced three *Ca-Piles* upon the *Mense*, that by the *Barbarians* had been then Dismantled. This Effected with great Celerity, and having seventy dayes Provision still with him, he thought fit to supply those that he left therein, with part of it, in hope to make it up, with advantage, out of the Fields of the *Chamavi*; though it happened otherwise. For the Corn was not yet Ripe; and the Army, now wanting what had been left in the Castles, when the Country afforded no Recruit, began to Mutiny, and to Threaten their General; calling him in derision, *Alfianus*, *Graculus*, *Cheat*, and to Coxcomb under the Vizard of Wildom. They complained, that they had formerly endured the Snow and Frosts, and now were to be expos'd to Extremities of Famine, which caus'd the most Lazy kind of Death of all others. That they only in what they had Plead'd for their Lives, neither for Gold nor Silver, things, they had not the happiness, either to Handle or See; as if they had undertaken for many Labours and Dangers, not for, but against the Commonwealth. Neither wanted the Souldier just reason for these Complaints: for though the *Gallian* Army had undergone

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*Ne dicitur a Toxandria, five Toxandria, et non in Belgica loca Pilatus lib. 4. c. 17. non longe à Scaldis fluvio. Itae in loco fides facit, rivus Sali, et non cin à Scaldibus. Patris pulch. Balat vitan Insulam, et videri loca occupaverunt, ut refert Zosim. lib. 3. c. 2. Valis.*

Sec't. 4. dergone so much Toil, and was so much Exhausted, it had never receiv'd a Donative\*, nor so much as the ordinary Pay. For Julian, since his Arrival, had not therewith to do it, and Constantius would not permit the Money to be raised the usual way; which Ammianus interprets to have proceeded, rather from Design than Covetousness. For when a Common Souldier, on a time, asked Julian something, as the Custom was, to cut his Beard, and he gave him some Inconsiderable Matter, he was most Contumeliously traduced for so doing, by Gaudentius, then a Notary, who lay a long time in Gall, to pry into his Actions, and whom (to be even it seems with him) when he came to be Emperour, he Commanded to be put to Death.

He divers  
them, by an  
Inva-  
sion, into  
Germany.

Two Kings  
submit them-  
selves.

He is envied  
at Court.

53. But with various Arts, and much ado, he Appealed the Tumult; and to Divert them by Action, laid a Bridge of Boats over the Rhine, and Invaded the Territories of the *Almans*. In this Expedition, *Severus*, the *Magister Equitum*, having formerly had the Reputation of a Valiant and Industrious Man, now turned Coward; and he, who was wont to Exhort others to demean themselves Gallantly, now stood in need to be spurred on to Action. Yet were the *Almans* so Discouraged at the Invasion, that *Suomarius*, one of their Kings, who had formerly been ready enough to Fight against the *Romans*; thinking it a great Achievement, if he could but save himself, on his bended Knees, came and yielded his Person and all he had, to the Discretion of *Cesar*, who granted him Pardon, on this Condition, that he should Release his Prisoners, and upon occasion, supply such *Romans* as Marched that way, with Provisions. The Country of another petty King, *Hortarius* by Name, being by their Guides led through difficult and tedious Courses, out of Anger, they waited all they could; and when he made what means he might to prevent the Destruction of himself and Dependents, by Fighting and Taking of Prisoners, being Worsted, he was not only enjoynd to set at Liberty all the Captives, but to find Materials and Carriages, for Rebuilding those Castles which his Countrymen had Destroyed. For, to Impose finding of Provisions upon him, as upon *Suemarius*, would have been in vain, his small Territory (*Pagus*, our Author, more properly call it) being so Exhausted, that nothing of that kind was to be found therein. And in this manner (saith Ammianus) those vastly Swelling Kings (and great reason they had to Swell, if we knew of what vast Extent their Kingdoms were) who were wont to grow Rich by the Robberies they committed against the *Romans* (as little Matter then would make them Rich as Great) were constrained to submit their Necks to the Roman yoke, and did it as quietly, as if they had been Born and Bred amongst Tributary Vassals. Which things being Achieved, and the Souldiers dispersed into their Quarters, *Cesar* returned to his wonted Place to Winter; having done as great Matters, if the Reader will believe it, against these Kings of *Collein*, as was performed by the Ancient Captains, even against the *Carthaginians*, or *Cimbrians*; so great is the force of Favour to one, and Prejudice to another, that Posterity must be defrauded of sincere Relations, even by those that most pretend to the Historical Virtue of Veracity.

54. But when the Report of these things came to Court (for *Cesar* was bound to give an Account to the Emperour of what passed, as much as any Ordinary Apparitor) those men that were Learned Professors in the Science of Flattery, turned all, that was both Prudently undertaken, and happily concluded, into Ridicule. They called him *Goat*, because of his long Beard; a *Prating Mole*, an *Ape clad in Purple*, the *Greek Schollard*, and other Terms they used fully as obliging, thereby endeavouring with impudent Language to transform all his Glorious Actions into Folly and Cowardise, before *Constantius*; to whom this Noise was very pleasing Musick. But this was no new thing. The greatest Glory is most exposed to Envy, which of old time, feigned Crimes, and fixed Disgrace upon the most Illustrious Captains. So *Cimon* the Son of *Miltiades* was accused of Incest; that *Cimon*, who near to *Eurymodon*, the River of *Pamphilia*, cut off an innumerable company of *Persians*, and compelled that Nation, before Elevated through the Infelicity of their King, to ask Peace in an humble manner. *Scipio Emilianus* was also by his Malevolent Emulators, taxed with Sloth; even he, by whose constant Vigilancy, two Cities of the *Carthaginians*, obstinately bent for the Destruction of *Rome*, were themselves Destroyed. Neither did *Pompey* escape such Tongues; whose Detractors, after much Inquiry, not being able to find any thing Material against him, had the confidence to lay two Heavy Crimes to his Charges; whereof the one was, That he had a Custom to scratch his Head with one Finger; and the other, that he bound his Leg with a white Garter: the one, they said, was the sign of Idle Affectation, and the other, that he was greedy of Innovation, though he did it only to hide a Scar received by a Wound. But they Argued, with great Wit, that it matter'd not on what part of his Body he wore the Badge of Royalty (the Fillet or Diadem) laying the height

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Hec Julia  
fons, foverum qd  
quod narrat  
Suetonius in Princi-  
pibus lib. 1. de  
vita B. Marti-  
ni. Julianus,  
ingressi Cesar,  
causis in unum  
exercitus, do-  
natum capit  
cogit militi-  
bus apud Pan-  
noniam Collo-  
rem, atq; con-  
futandis.  
Singuli Cita-  
bentur, donec  
ad Martium  
veniret. t. p.  
Tam rem, quon-  
iam diserte  
narrat. Vide  
Valesium.

Sec't. 4. of Ambition to the Charge of him, than whom, as is evident from good Authority, none was, either more Courageous or Cautious for the Good of his Country. So Ammianus.

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357.

55. But let us, leaving *Cesar* a while, see how *Constantius* all this while behaved himself at *Sirmium*; whether he went from *Rome*, as we said before, upon News, that the *Suevi*, *Quadi*, and *Sarmate* had Invaded the Empire; and whether he had no other Employment than to receive the satisfaction from his Flatterers, of hearing his Cousin *Julian* made Ridiculous. Being arrived in *Illyricum*, he sent *Severus* to succed *Marcellus*, and ordered *Ursicinus* to come to Court, who, gladly obeying him, halted to *Sirmium*; where long Consultation being had concerning a Peace, which *Musonianus* had reported might easily be had from the *Persians*, he was sent away into the East, with the Title of *Magister*, and took along with him the eldest of those called *Domeslick Protectors*, to Command under him, and some of the younger sort to Execute other Orders, amongst whom was *Ammianus* the Historian himself; as from his very bad *Latin* we guess. But to fetch the *Persian* Matters whence we left them. That King having received Letters from *Tam Sapor*, importing, that the Emperour being intangled with other Difficulties, desired to be at Peace with him, as we formerly said, and having now made a League with the *Chionites* and *Alani*, his Troublesome and Warlike Neighbours on that side, he considered what to Answer. He concluded, that the Empire was in a Weak and Tottering Condition, and therefore Resolv'd to make Use of his time, to Accept of a Peace, but upon very extraordinary Conditions. He sent an Ambassador to *Constantius*, one *Narfeus*, with Presents, and a Letter stuffed, both after the Humour of the Man, and of those Eastern Princes, from the Time of *Asaces* (which still the *Turk* and others imitate) with swelling Titles and lofty words: as, I *Sapor*, King of Kings, Partner of the Stars, Brother of the Sun and Moon, with much Health to my Brother *Constantius Cesar*; for by this word *Cesar*, however at this time, whereof we write, the *Romans* by it denoted, in a proper and peculiar sense, the Second Person of the Empire, yet Foreign Nations usually so called the Emperour himself, and so do still at this day, except those, the Body of whose Language is *Latin* corrupt, or who have mixed and spoiled their own True and Ancient Speech with it, as we have done. King nor *Cesar* is an usual saying, and the *Germans* call their Emperour by that Title. He tells him, he is glad that at length he begins to use Consideration, and to Acknowledge Equity and Justice, being sensible what great Mischiefs a greedy Coveting of what belongs to other Men, hath usually procured. He Appeals to the *Roman* Records, whether his Ancestors had not been Masters of all, as far as the River *Strymon*, and the Borders of *Macedonia*; and, so far as he himself (without Arrogance sure it was spoken) Excelled, by a large Series of Vertues, all Ancient Kings, and had, from his Infancy, done nothing he found cause to Repent of, he could not but Require and Demand what had been Possessed by his Predecessors, and Affirm, that he ought to have Restored to him *Armenia* and *Mesopotamia*, of which his Grand-father had been cheated. In conclusion, he Advises him, as a Friend, to Quit some part of his Empire, which always was being to him Trouble and Sorrow, that he might with Quiet and Ease Retain the rest: even as cunning Chirurgeons are wont to cut off some corrupt Member, which endangers the whole Body; and as brute Beasts themselves, of their own Accord, part with that for which their Lives are purified. And in case he comply not with what he Demands, he professes he will, with all the Power he can, haste, by Force to obtain it, as soon as *Regius* the Season will permit.

The Persian  
King sends a  
Letter with  
lofty Titles to  
Constantius.

Constantius his  
Answer.

56. *Constantius* thought fit to Answer this Braggadocio by Letters thus directed: I *Constantius*, always *Augustus*, a Conquerour both by Sea and Land, to King *Sapor*, my Brother, with much health. Then he tells him, he Congratulates his Prosperity, as a Friend, if so he please; but that he much condemns his Extravagant Ambition. As to what he strangely Mentions concerning *Armenia* and *Mesopotamia*, he bids him receive for Answer, that he perceived his *Presumptive Pretor* had, out of good Intentions, as he thought, by Interposition of some Inconsiderable Persons, mentioned something about a Peace, without his Knowledge or Approbation; yet was he not against it, provided it might be such an one as would be Safe and Honourable; but neither the one or the other he was sure it would be, after having Defeated all Usurpers, and Recovered all the *Roman* World to his Obedience, to part with those his Provinces in the East. He Advises him to forbear his Threats, or to think to scare him with words, who, more out of Moderation than want of Courage, had hitherto rather Defended himself, than otherwise, as he should do for the time to come; so far as he was well known, both by Reading and Experience, that the *Romans* were seldom worsted in Battles; to be sure, as to the Main, were never wont to be Losers in War. Without any good Effect was the *Persian* Ambassador sent back; and, after a few days, followed

Sect. 4.  
By Messengers  
of his own.

Constantius  
Erects an Obelisk at Rome.

By Laws pro-  
vided for the  
Authority of  
the greatest  
Magistrates.

Prosper, a Comes, and *Speñatus*; a Tribune, and Notary, with one *Eustachius* (at the Suggestion of *Musonianus*) a Philosopher, and esteemed an able Artist in Persuasion, carrying with them this Letter and Presents to *Sapor*, if possible, to preserve the Eastern Countries in Quiet. While they were on their Journey, the *Juthungi*, a German People, broke the League and Peace, which, by much Intreaty they themselves had procured; and waiting *Rhetia*, laid Siege to several Towns; but were so handled by *Barbatio*, lately promoted to be *Magister Peditum*, in Place of *Sylvanus*, that few of them escaped home; which hapned, as *Ammianus* will have us believe, not by any Care, or Valour of the General, who was a Coward in all things, except his Tongue, but through the Alacrity of the Souldier. At the same time most dreadful Earthquakes distressed *Macedonia*, *Asia* and *Pontus*, which not only overthrew many Towns, but level'd Mountains; and killed, and Maimed great Numbers of miserable People.

57. *Constantius* now, who by various Laws, and otherwise, took Care of the State of the City of *Rome*; to increase it's Ornaments, caused an Obelisk to be conveyed out of *Aegypt*, from *Thebes*, where had been plenty of them, and erected in the great Cirque. Winning at *Sirminum*, he was perpetually vexed with fresh Alarms of the *Sarmatae* and *Quadi*; who were very much agreeing, both in their Customs and way of Fighting, infested both *Pannonia's* and *Mesja*. Being accustomed rather to Robberies, than open War, they used Lances longer than those of the ordinary Sife; wore Corsets made of polished Horn, placed upon Linnen, as if it had been Feathers, and rode upon Geldings, as those that would be quiet, though with Mares, and as tame in all other Respects, as one would desire; withal so swift, and disciplined, that they would fetch off sometimes one, and sometimes two, or more Prisoners, if they had careful Riders. At the Vernal Equinoctial *Constantius* prepared to be in the Field; but, in the mean while, spent some time in Consideration of Civil Affairs, as well as for things relating to his Arms. One Misfortune he took Notice of in the Province of *Africk*, which redounded to the Burthen of the Subject. The Reader cannot but remember, how we have formerly told him, that there were Provisions for the Army, called *Species Annuariæ*, wont to be gathered and laid up by the *Præfectus Prætorio*, or his *Vicar*, in the publick Storehouses. Now as by these great Officers, the Provisions were raised from the People, so without their Knowledge and Authority, they could not legally be taken thence; otherwise, the Publick Stores might be imbezelled, the Souldiers want when there might be urgent Occasion, and the People oppressed by new Exactions. But the *Comes Rei Militaris* throughout *Africk*, either not knowing his Duty, or presuming *Judin*, too much upon Impunity, had on his own Head, and without Consent of the *Vicar* of that Province, made Use of the Provisions there deposited. Of this, by an Edict, Dated this Winter from *Sirminum*, on the eighteenth of December, and directed to *Taurus*, *Præfect* of *Italy*, *Constantius* takes particular Notice, and forbids the Practice for the time to come; ordaining, That the *Comes* aforesaid should in such Cases write to the *Vicar*, what Quantity of Provisions, and for whom it was wanting; which done, and the *Vicar* thereof approving; so much should be taken out, and accordingly employed.

58. By another Law made at this same Place, and as seems, in this same Month, directed as the former, to the same *Taurus*, he determines something considerable in behalf of his Jurisdiction, as *Præfectus Prætorio* of that District. He tells him, That he shall hear and determine Appeals made out of *Sardinia*, *Sicily*, *Campania*, *Calabria*, *Bruttii* and *Picenum*; as also *Æmilia*, *Venetia*, and the rest. Neither can any Confusion happen betwixt his Jurisdiction herein, and that of the *Præfect* of the City, to whom he had given order, not to meddle with, or take Cognizance of the said Appeals. As to the Interpretation of this Law, great Dispute there hath been, whether now first of all, the Right of receiving Appeals was granted to the *Præfectus Prætorio*, which formerly had belonged to the *Præfect* of the City, or only by it that Authority and Right, which before he had enjoyed, be settled and established in him. And rather we are to think, that this was given him *de novo*; which formerly did belong to the *Præfect* of the City, an ancient Officer, and of great Authority in those Parts. But we must not conclude, that all Authority in these Provinces was taken away from him by this Law, which plainly Hints the contrary, in that it saith, No Confusion should happen, nor Interfering, betwixt their Jurisdictions. For other Acts of Authority he might there exercise; although the *Præfectus Prætorio* received Appeals. However this Law did not, as to all those Provinces, continue long in force; for that, from some of them, namely, *Campania*, it is evident, that the *Præfect* of the City receiv'd Appeals; to whom also *Valen-*

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357.

L. 3. de Ergast.  
Hunt Militari  
Annalis, Dat.  
15 Kal. Jan.  
Sirmio, Con-  
stantii Aug. 3.  
de Juliano  
Cap. Coll.  
A. D. 357.  
de Arg. C. Cod.  
Judin.

L. 27. de Ap-  
pellat. & Con-  
sultation. Cod.  
de lib. 11.  
tit. 30.  
de Arg. C. Cod.  
Judin. volut  
Locuti.

Pride Getho-  
sidi Commot.

Sect. 4.

nian ordain'd, when many of the Provinces of *Africk* were fallen into the Hands of *Barbarians*, and the Power of former Magistrates ceased there; that Appeals should lye from all the Judges, of such Parts as continued in Obedience to the Empire. Whereas, besides the Provinces expressly mentioned, this Edict points at others by that Word, the *Rest*; by these are to be understood *Lucania*, *Apulia*, *Flaminia* and *Tuscia*. Neither are any of them to be thought to have been of the Number of the *Suburbicarian* Provinces, as some have thought, which were Included within an hundred Miles Compass from the City; and being the proper Diocese of the *Præfect* thereof, are constantly, in the Code, both distinguished from these, and from *Italy*, taken in a peculiar Sense. But hence it's rationally conjectured, that the original of these *Urbicarian*, or *Suburbicarian* Regions, is to be fetched, as opposed to the Regions, or Provinces of *Italy*; whereof the first express Mention seems to have been made two years after; of which in it's Place.

59. Some few dayes passed, we find him Employed in making another Edict, which rather more than any other gains Credit to what *Ammianus Marcellinus* writes, of his great Propenseness to the Confiscation of Estates, and Punishing of Offenders; but especially of the Insatiable Avarice of his Begging Courtiers, which feldome is wanting in any Prince his Palace: but these Leeches more abundant in his time than any other, and exposed him to more *Odium* by those Courts they put him upon, than the double of what was got thereby amounted to. Two years before, being very moderately inclined, by an Edict directed to the People from *Milan*, he rather relaxed the Severity of former Laws, against the Children, or Posterity of such Criminals as were put to Death. For as to the Estates of such Persons, to whom they should fall, the Law was very various in this Point, according to the Discretion and Pleasure of Princes. Before the time of *Constantine*, the Estates of their Wives and emancipated Children were not at all distinguished from those of such proscibed, or criminal Persons, but all were without any Distinction Confiscated; neither was there any Respect had to the Issue, but all forfeited by Force of the *Cornelian Law*. This that Good Emperour by a New Law did correct, as most cruel and unequal; but yet such Provision was not made for the Children in general, as *Constantius* his Son thought afterwards fit to make. Therefore did he ordain, That the Estates of Condemned Persons should fall to their Parents, or Children, as far as the third Degree; so as the Treasury should not at all intermeddle; but it should be free for any Person, with that Limitation, to enter upon them, to whom by the Civil or Prætorian Law they became due of Course, except in the Cases of High Treason and Magick; concerning which he leaves the Law in force, as it stood before. By Sentence whereof the Estates of such as committed these Offences were all confiscated, and at all times, except afterward, when a sixth part was allowed to their Children, by a Constitution of *Theodosius* the Great. As now by the common Consent of Princes, so by the especial Humour and Inclination of *Constantius*, that of Magick is joyned to the other Crime of Treason. For, of this he was continually in Fear, and hated it so much, that not only by several Laws he testified his Hatred; but as we have already in the History of that year observed from *Ammianus*; if upon the Squeaking of a Rat, the sight of a Weasel, or other Fooleries, any one consulted the Wizards of those Times; he was apprehended and Sentenced, as a dangerous Person; which Jealousie of his was fomented by such about him, as gaped after the Estates of Condemned Persons.

60. And they Gaped not in vain, for he was apt enough to stop their Mouths. But whereas such as had begg'd those Estates were wont to Conceal, as much as they could, the true Value of them; by another Law made the following year, he prescribed Rules for Prevention of such Craft; and that he might understand what he gave for the time to come, He would have an Inventory made thereof, and sent to him: for the ordinary Judge, who passed the Sentence of Forfeiture, was thereof to Certifie the *Officials* of the *Procurator* of the *Patrimony*; that they, in the Name of the Emperour, and for the Publick Use, might make a Record of all such Goods or Lands. He would not trust therewith the Officers of the Ordinary Judge, but those of the *Procurator* of the *Patrimony*; which course *Valentinianus* afterward Altered; Resolving to Trust neither the one nor the other sort; but Ordained, That first those of the Ordinary Judge should make an Inventory, and then this Inventory should be Transmitted to the *Officials* of the *Rationalis*; *Res Prioste*; to whom a Second Inquisition was then enjoyned, that so all fraud in making Inventories might be prevented, which ordinarily happened in favour of the Parties, whom most People are wont to pity. But by both these Courses

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358.

L. 1. de Bonis  
Procuratorum,  
Cod. lib. 9.  
tit. 42.  
L. 2. ejusdem  
tit.

A. D. 358.  
Dianio &  
Cereale Cof.  
L. 2. ejusdem  
tit. 42.  
de Arg. C. Cod.  
Judin. Dae-  
tur Cognitione  
L. 2. ejusdem  
tit. 42.  
de Arg. C. Cod.  
Judin. volut  
Locuti.



**Sect. 4.** Command is given, that a Copy be sent up to the Emperor. By this Second Law he took order, that he might know what he gave away; but by a Third, which gave occasion to this Discourse, he made way for a greater opportunity of giving, though we scarcely call it Charity, which to be sure must proceed from well-gotten Goods. For now, this time, whereof we write, wherein *Davianus* and *Cerealis* were Consuls, being the CCCLVIII of our Lord, and the two and twentieth of his Reign, by another Edict Directed to *Taurus*, of whom we have made often mention, he Recalls that Moderate and Favourable Law, made two years before, Commanding the Estates of all Persons Condemned, to be Confiscated, without any Account given why; but that the former Law he had made under a certain Condition, we know not what, except he mean, if his Pleasure stood to have it continue in Force, to which Condition, all other Constitutions are obnoxious; For, those that Make, may both Explain and Abrogate. But his Timorous Humour Betrayed him to the Crafty Insinuations and Flatteries of his Favourites; yet scarcely to any further degree of Severity than what was Legal before the dayes of his Father, and Emperours became *Christian*, as we have seen.

He makes a severe Edict about the Estates of Criminals.

He overthrows the *Sarmate* and *Quadi*.

Directors of the Petty Princes and Captains Submit themselves, with their People.

61. But the *Vernal Equinoctial* being past, provoked by the Insolence of the *Sarmate* and *Quadi*, he set forward from *Sirmium* with a very good Army, and by a Bridge of Boats passed the River *Ister*, at this time much swollen by reason of a Thaw. The *Barbarians* expected nothing less, than that he should be so early with them; and being utterly unprepared to receive him, or make any Resistance, by shifting for themselves, as they could, they endeavour'd to shun those Mischiefs that impended; although such as escaped, as ordinarily it happens, might have prevented the Destruction of their Friends and Relations, and saved their Country from being overrun, if they had made Opposition, and fought with as much Resolution and Earnestness, as they ran away. But thus was that part of *Sarmatia* wasted, which lay nearest to *Pannonia Secunda*, and that Country called *Valeria*, fired no better. But the Inhabitants being moved with Shame and Indignation, to see so great Havock made of their Country; at last laid their Heads together, and the Result of their Debates was, that they would set upon the *Romans* in no less than three several Bodies, under Pretence of coming to beg Peace, hoping under that Disguise absolutely to surprize them. And for the better effecting of this Device, the *Quadi* assisted their Friends the *Sarmate*, but with so ill Success, that all were put to Flight, and miserably slaughter'd, if their Heels did not befriend them. After this, it was thought by the Emperor and his Council, as just, as Prudent, to invade the Territories of the *Quadi* themselves, and that with the Army reinforced; but they being taught from Experience abroad what they were to expect at Home, made timely Applications to *Constantius*, and beg'd Peace. Matters being agree'd on, and a Day appointed for Performance of the Conditions; *Zixair*, one of Royal Blood amongst the *Sarmate*, a young man of no small Bulk, perfwaded his Countrymen to enter into the same Course; and coming to the Emperor, upon sight of him, cast away his Arms, and fell prostrate with his Face upon the Ground, where he lay Speechless out of Fear, and moved more Compassion, than if he had used many Entreaties. After many Sighs, coming by Degrees to himself, and being bidden to rise, when he had got the Use of his Tongue, upon his Knees he beg'd Pardon for his Offences, and when raised up, gave the Sign to those that followed him, who with Fearful Looks also cast down their Arms, and with their Hands testified their Joyning with him; and by whatsoever other Signs they could, they further expressed their Desires; so joyful were they at the Hope of Pardon, that to make some Satisfaction for their former Offence, they were content to deliver themselves, their Wives, Children and Territories into the Emperor's Hands. But his Pénitency, as *Ammianus* himself affirms, prevailed above Equity, and they were bid to be of good Cheer, and fill to hold their Lands. So, being only Commanded to restore those Prisoners they had taken, they returned back with them they purposed to have left as Hostages, promising for the time to come, most readily to submit to his Commands.

62. This Act of Clemency towards *Zixair*, and other *Subreguli* (as our Writer terms them) had such operation upon their Neighbours, that *Arabaricus* and *Usser* speedily came in; two of the most notable Commanders of these Nations; whereof the one Governed the *Quadi* beyond the Mountains; and the other part of the *Sarmatians* next adjoining to them; such Multitudes they brought along with them that the Emperor thought fit, not to admit them all together to his Presence, lest under Pretence of making a League they should break Peace, fall to their Arms, and offer him Violence; but, parting them asunder, commanded that such as sup-

A. D. 358.

L. A. tijfidi. Tit. A. Arrogata est lex, ut, utrum pollicetur, à P. Iuliano, vide Comment.

**Sect. 4.** plicated in behalf of the *Quadi*, should first approach. They stood there with their bended Bodies, like to humble Supplicants, as their manner was; but were not able to make Excuse for the Outrages they had committed; but apprehensive of the worst thing that could befall them; when unexpectedly they were only commanded to deliver up their Hostages, which they freely did, having never done so much before. After *Arabaricus* and his Company, was *Usser* and his Followers admitted to their Submission, at which *Arabaricus* cried out, that he ought to have the Benefit of those Terms he had obtained, as his Associate; though an inferior, and one that was obnoxious to his Commands. But upon Debate of the Matter, it was thought fit to declare the *Sarmatians* exempt from Obedience to others, as such as had been always the Clients of the *Romans*, and they also were ordered to deliver up their Hostages, which they most readily performed. After this stocked vast numbers of the *Barbarous* People, and their Kings; perceiving how well *Arabaricus* was come off, they also obtain'd the Pardon they beg'd, and gave up their Hostages, being chosen by Lot, out of the Sons of their choicest Nobility; and with them such Prisoners as they had taken, whom they parted as sorrowfully with, as their own Relations. But this hapned well for these *Sarmate*, and brought them into their antient State of Liberty. For, as we have formerly hinted, they had been outed of their Country by their own Slaves, for whom risen up in Rebellion, finding themselves too weak, they fled, and betook themselves to the *Vitoboli*, living at some Distance, and chusing rather to submit to them, as their Protectors, than become Vassals to their own Servants. Now, being received into Favour by the Emperor, they desired their Liberties might be secured, whom pitying, he gave them gentle Words, and ordered they should be Subject to the Commands of none but himself and his Captains. And to gain him more Reputation, he promoted *Zixair* to be their King, a man, both worthy in himself, and faithful to the Empire; which done, he dismissed them all, but not till such time as all the Prisoners were returned.

Constantius receives into Protection the *Sarmate*, that had been Expelled by their own Slaves.

The Reminders of the *Quadi* submit.

63. From these Quarters the Army removed to *Bregetio*, there to finish the Controverfie with the Reminders of the *Quadi*, that lived in those Parts; the Princes and Magistrates of whom, seeing so great a Force in the Bowels of their own Territories, followed the Example of the rest, and begging Peace, delivered up their Hostages; then drawing out their Swords, which they worshipped for Deities, thereon they swore, that they would continue in Fidelity. There remained yet the *Sarmate Limigantes*, or those that had been Slaves to the other, who having committed such Outrageous Villanies, Justice, and the publick Utility required that they should be punished. For, imagining their former Condition, and what they had acted to be quite forgotten; now when they had Children also grown up, to make good what they had unjustly got, they as well as others had entered the *Roman* Pale, in this thing only agreeing with their former Lords, and now Enemies; yet it was resolved they should be more gently dealt with, than they had deserved; only be removed farther off, that they might not have so good Occasion to Insult the Empire, which it was feared they would still do, as doubting of Pardon for what they had formerly committed. They were not so inconsiderable but to expect the whole Brunt of the War would be turned upon them, and therefore resolved they would Treat and Intreat both, with their Weapons in their Hands. And at first they made Show, as if they had been struck with Fear, at the Sight of the Army, and expected nothing but Destruction; they beg'd Pardon, promised a yearly Tribute, both of Money and Souldiers, to remain the Servants of the Empire; and seemed further to be willing to leave the Places they now held, and go further off; for they trusted to the Strength of the Country, out of which they had beaten their Masters. This Country is watered with the River *Partibiscus*, which after many Turnings and Windings, pourses forth it self into *Ister*; but before it comes thither, by degrees it hastens nearer and nearer; and both together they form the Land into a Strait, to the great Security of the Inhabitants. For, on one Hand *Ister* secured them from the *Roman* Coasts, and on the other, *Partibiscus* defended them from the Incursions of other *Barbarians*: The Ground thereto adjoining being also so Fenny, and perpetually Waterish, what by Reason of the Nature of the Soil, and what by the overflowing of the Rivers, that together with an Illand lying as a Rampart, almost in the Mouth of *Partibiscus*, these Obstacles barred all men of easy Access.

64. But to prosecute the Story of our *Limigantes*. Upon the Emperor's Call, who it seems, gave too much Credit to their humble Deportment, they came over to the hither Bank of the River, not to receive Commands, but, at length, to show, that

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that they were not afraid to face his Army; and there they stood so Surly and Humourous, as having come on purpose to refuse what should be enjoy'd them. The Emperor perceiving their Temper, by degrees dispos'd of his men, as to encompass them, and then standing on a Place on purpose to be seen and heard, waited on by some of his Principal Attendants, and his Guards, he gently admonish'd them to be Quiet. But they fell into Disorder, not well agreeing amongst themselves, and joyning Craft with their Fury, mix'd their Desires of Peace with a sort of Stratagem; for preparing for an Onset against the Emperor's Men, they cast their Targets at a great Distance from them, as it were in Jest, that going to take them up, they might gain so much ground. The Day drawing to an End, the Army, with Banners displayed, fell upon them; and they uniting themselves, with grinning Countenances, and menacing words made toward the Emperor, standing still in that Place we mentioned. This the Army not enduring to see, put it self into the form of a Wedge, or, as the ordinary Souldiers in those Days termed it, of an Hog's Snout, and then with great Violence removed them; and *Constantius* his Guard (or the *Prætorian Cohort*) as they turned themselves to Fight, so belaboured them on their Backs, that they laugh'd them like so many Beasts; but they fell with insuperable Constancy and Resolution, showing by the horrible Noise they made, that they did not so much Bemoan their own Death, as they were tormented to see their Enemies rejoice therein; and some of them lying with their Hams or Legs mangled, and so unable to Fly, others having lost their Hands, and some not at all hurt by the Sword, but Bruised and Maimed by the Weight of those that fell on them, and ran over them; yet endured their Pains, and concealed them in Silence; not one of them, in all the Torments they endured, asked Pardon, cast away his Sword, or intreated to be dispatched; but holding fast their Arms, though in so much Misery, they esteem'd it a lesser Crime to be condemn'd by the Strength of an Enemy, than the Dictates of their own Conscience; and were now and then heard to mutter, that what hap'd to them was by Course of Fortune, and not for their own Desert. Thus in the Space of half an hour pass'd a brisk Conflict, and that there had been a Fight, the Victory alone declar'd. But scarcely was it over, when the Relations of those that were slain, of both Sexes, and all Ages, were drawn out of their Huts, and with another sort of Countenance and Demeanour, beg'd that what was past might be forgotten. But the Souldier now Heated, and provoked to Fight, neither spar'd those he found in this Posture, nor such as escap'd from the Engagement; but setting fire to all before him, either burnt such as fled for Shelter to their Houses, or if they fled from such weak Refugees, received them on the Points of their Swords, and Lances. Some that escap'd ventur'd to take the River, but were either drown'd, for the most part, or killed by the Misfile Weapons of the Pursuers, and now it was resolv'd, that this sort of People should be rooted out.

And the Destruction of those called *Amicenses*.

The other Force, called *Picesis*, submit.

65. This being effected against those they called *Amicenses*, with all Expedition the Army was sent against the other, which, from the Country they possess'd, had the Name of *Piceses*, and from the Misery of their Neighbours, took warning to look to themselves. It being difficult to find them out, or come at them by such as knew not the Place, the *Tajfals* were taken in as Assistants, and so were the *Free Sarmatæ*, their Masters. That they might be sure to catch them in one Place, or other, the *Roman* Souldiers chose to range that part of the Country lying next to *Mesla*, the *Tajfals*, that which bordered upon themselves; and the *Free Sarmatæ* what was most convenient for them, as lying over against their Seats. The *Limagantes*, or Slaves, seeing their Danger, consult'd whether they should dye, or yield up themselves, not wanting Arguments on either side; but the Opinion of the elder fort prevailed, that they should submit. Having received then the Publick Faith for their Security, they came down from the Mountains, and flock'd with all their Relations to the *Roman* Camp; and there they consented to remove into other Places, where they might live in Peace and Security, and willingly they seem'd to accept of these Terms, though, as the sequel prov'd, they could not forsake their Natural Humour, with the Country; but fell again to their former Fierceness, and mad kind of Life. Matters so well succeeding, the Emperor provided well for the Security of *Illyricum*, and Restor'd an Injur'd Nation to their former Seats; which done, he set over them as King, *Zizak*, such an one also, as they themselves had made Choice of; hoping, that though they were Fickle enough, yet this would be a Means to oblige them to continue Quiet. The Victorious Army for these Achievements, gave to their Emperor, the second time, the Surname of *Sarmaticus*, who by a gentle Speech as his manner was, much pleas'd them, and they re-

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turned to their Tents with these words in their Mouths, that *Constantius* could not be overcome. Had *Julian* been the Man, we should possibly have heard more of it from *Ammianus*. But, Matters thus settled, *Constantius* returned back to *Sirmium* in Triumph, for which he was afterward Jeer'd by his Cousin *Julian*.

66. And there we find him about the beginning of *June*, by several Edicts made at that City in this Month. Two of these have relation to Corporations; especially those of *Africk*, to the *Vicar* whereof, *Martinianus*, they are Directed. The one deprives such as had obtain'd in the Emperor's Court, the Honorary Dignity of *Perfectissimus*, or *Comes*, and Orders them to be returned back to their Duties in such Places; and the second so much denies any Privilege from such Services to Souldiers in the Armies, that the very *Veterani*, or those who had obtained Letters of Dismission, it also Remands back again. About the latter end of *June*, from *Sirmium* he went to *Mursa*, another Town of *Pannonia*, where he made another Law *Justin*, concerning the same Subject, but to be spoken of in another place; and thence returned to *Sirmium* in a short time; where, by other Edicts, it appears, that he continued the remaining part of all this year. The next following, being the Twenty third of his Reign, and of our Lord the CCCLIX, into which fell the *Consulship* of two Brothers, *Eusebius* and *Hypatius*; he remained at the same place, or thereabout, till *Hypatius* near the Month of *June*, where we shall leave him for a while, and visit *Julian* in *Gall*, and see how he there Employed himself in his Winter-Quarters. And there you may be sure, that this Person, famous for his continued Successes, (for *Ammianus* and *Zosimus* cannot speak of him without such Parentheses and Flourishes) though at present he was freed from the Burthen of War, yet was not less thoughtful for the Safety and Prosperity of the Provinces, diligently observing whether any one was Overcharged in the Publick Taxes; whether Oppressed by Great Men; whether any grew Rich by Publick Calamities; or any Judge was Corrupt or Partial. And yet, as to the last point, there was the less occasion for him to shew his zeal, because he himself Heard and Determined Causes with all Exactness possible, in respect to Justice; whereof, though many Testimonies were at hand, yet our Author thinks fit to mention one Passage, by that to make an estimate of his other Acts in this very kind. *Numerius*, who a little before had Governed the Province of *Narbon*, was Accused of Rapine before him; and he was so Severe as to hear all that would object any thing; but he Answered, and so well Defended himself, that nothing would stick; at which, one *Delpidius*, a bitter Orator, who was Employed against him, thus Applied himself to *Julian*; Who can ever be Guilty, if it be sufficient to deny? To whom he Replied prudently extempore, Who can be Innocent, if it be sufficient to have Accus'd?

67. This, and many other things of the like nature he did, but being now to take the Field, and knowing there were some of the *Almani*, who, having not yet felt the Smart of the War, would in all probability make him more Work, if they were not also Chastised, He considered how he might best come upon them on a sudden. He Dispatched one *Hariobauer*, a *Vacant Tribune*, as they call him, a man of Approved Fidelity and Valour, upon a Message, as was pretended, to *Hortarius*, a *German* King, with whom he had Peace; that under that Pretence, the Messenger might slip into the Country of those he intended to Invade, which was near at hand; and being well skill'd in their Language, Discover their Intentions and Practices in order thereto. While he was about this Work, *Julian*, having Rendevouz'd his Army, march'd first to such places upon the Borders as had been Demolish'd in the Wars, to take care for Rebuilding the Towns, and especially Repairing the Publick Granaries, therein to lay up the Corn that he sent for out of *Britain*; and this was vigorously prosecuted, and in good time well Effect-ed; the Store-houses being both Repaired and Replenish'd, and these seven Towns Reinforced, viz. *Castra Herculis*, *Quadruburgum*, *Tricesima*, *Nivesso*, *Bonna*, *Antennacum*, and *Bingio*. For, the *Barbarians* themselves, according to the Agreement of the preceding year, though more out of Fear than Love to the Commander, sent Plenty of Materials; and the Auxiliary Souldiers, who were wont to scorn such Employments, were yet so won upon, by the obliging carriage of *Cæsar*, that they willingly put their shoulders and hands to the Work, both bearing Burthens, and serving otherwise in the Building. *Hariobauer* having fully inform'd himself, return'd, and gave an Account how Matters stood: whereupon *Julian*, further strengthen'd since his Departure, by the coming of *Florentinus*, the *Profectus Prætorio*, who brought both a good Party of Men with him, and Provisions enough for a long time; set forward, and came to *Moguntiacum*, or *Metz*, where *Florentinus* and *Lupicinus*, the Successor of *Severus*, the one after the other, contend'd, that

How *Julian* behaved himself in his Winter-Quarters.

He march'd.

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L.L. 24. & 45. de Interdictis. Data. Sirm. 11. Cal. Jun. 10. Cal. Jul. 2. Cal. Jul. 18.

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there he should pass the River by the Bridge: but *Cæsar* by no means would be brought to it; alleging, that the Territories of those that were now their Friends, they ought not to enter; left the Souldiers, as their Manner is, should commit any Disorders, and thereby the Peace be broken. And all the *Germans* (or *Almans*) thereabout were so concerned at the Approach of the Army, that they came to King *Summarus*, who had made his Peace before, and in a Menacing manner Commanded him to hinder the *Romans* from passing the River, for they were his Territories that lay next to the Bridge, on the *German* side.

68. He protested, that of himself he was not able to do it; whereupon they all gathered together, and in great Multitudes stood over against *Mentz*, with all their Power to hinder *Cæsar's* Passage, whose Council now appeared to be very reasonable. As he marched from *Mentz*, they also observed his Motions near the *Rhine*, and where they perceived he incamped himself, there late down over against him; taking no Rest, but still observing him, lest he should get over. But when he was come to the Place resolved on, consulting with *Lupicinus*, he gave order to certain *Tribunes* to make Choice of three hundred men with Stakes, without acquainting them what they should do, or whether they should go; but being put aboard the forty publick Vessels, which lay in the *Rhine*, called *Naves Lusoria*; they were Commanded, without making the least Noise, with Oars to get to the further Bank, and there Land, while the *Germans* still watched the Fires that burnt at the Camp. In the mean time *Hortarius*, both Friend to the *Romans*, and to his Neighbours, without any Design, had invited all the Kings and petty Princes to a Feast, which according to the manner of the Nation (at this time pretty well inclined that way) they continued till the third Watch of the Night. The *Romans* being Landed, by chance fell upon them, as they departed; but could not Kill, or take any one, they making their Escape by the Darkness of the Night and the Swiftness of their Horses, but flew some of their Servants that followed on Foot, whom the want of Light did not Conceal. But upon the Noise now that the *Romans* were Landed; they that so unanimously resolved to hinder the making of a Bridge, as well Kings as People, all ran away, and endeavoured to remove their Goods and Relations further into the Country, giving the *Roman* Army free Passage. Through the Territories of *Hortarius* they passed without giving the least Offence: but coming once to touch those of the Kings, that still continued Enemies, they burnt, and kill'd all before them passing without Opposition through the Countries. After much Mischief done in both kinds, they came to a Place called *Capellatium*, or *Palas*, at the Confines of the *Almans* and *Burgundians*, and there incamped, to receive *Macrianus* and *Hariobaudus*, two Kings, and Brothers; who perceiving Destruction to draw very near them and theirs; in great Anxiety came to be reconciled, whom followed *Vadomarius*, another King, formerly received as a Friend and Client of the *Roman Empire*. The Matter was debated in a Council of War, and *Macrianus*, with *Hariobaudus*, his Brother, was admitted to make his Peace: but whereas *Vadomarius* came to intercede for *Urinus*, *Vidicinus* and *Verisalus*, three of his Neighbour Princes, it was not thought fit at present, to shew them the same Favour; left, being according to the Humour of the *Barbarous* Nations, Fickles; after the *Romans* were departed, they should make little Account of what was obtained by the Intercession of another. Yet when after their Corn, and Houses were burnt, and many of their People slain; they again sent, and owned themselves to be in Fault. Peace was Granted upon Terms; whereof the most Important, and pressing was, that they should restore also those Captives, which they had taken in their frequent Incursions.

69. While the heavenly Providence thus corrected what was amiss in *Gall*, as our Writer observes, new Disturbances hapned in the Emperour's Court; which from small Beginnings so far proceeded, as to end in Sadness and Lamentation. There hapned at the House of *Barbatio*, then *Magister Peditum*, a Swarm of Bees; at which Prodigious, you must know, much concern'd, he solicitously consulted such as were skilful in to great Mysteries, and had for Answer, that it portended some great Danger, because that sort of Creature is driven from it's Habitation, and Wealth it hath heaped together, by Smoak, and the Tinkling of Metals. He went his way to the Field in great Anxiety and Fear; but left behind him his Wife, *Affria* by Name, a Tatling and Imprudent Woman; who taking the Matter in good Sense for her Husband, but a bad one for her self, wrote to him a Letter by the hand of her Maid, in a weeping Style; beseeching him, that after the Death of *Constantius* now approaching, when he should be advanced to his Place, (as she hoped) he would not despise her, and marry *Eusebia*, the Empress, for her extraordinary Beauty, wherein she

excel-

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Barbatio, and his Wife put to Death through her Folly.

excelled most other Women. The Letter was as Secretly conveyed to him, as could be, but the Maid that wrote it, cunningly kept a Copy; and when all were returned to their Winter-Quarters, ran away with it by Night to *Arbeto*, to whom it was not a little Welcome. He, who was ever greedy of such kind of Work, brought it to the Emperour; and thereupon the Parties were examined, who both confessed; he, that he received it, and she, that she wrote it; for which Crimes they were both Beheaded. But the Inquisition did not here rest: many, as well Innocent, as Guilty Persons, being brought into Trouble: amongst whom was one *Valentine*, that had been a *Prætorius* of the *Præfecti*, now a *Tribune*; who being much tortured would not, because truly he could not, confess any thing; for he was an absolute Stranger to the thing, as to which *Constantius*, at length satisfied, made him amend, by preferring him to the Dignity of a *Dux in Illyricum*. As for *Barbatio*, there was scarcely any one that pittied him, being a man of a Surly and Arrogant Behaviour, and upon that Account hated by many. Having the Oversight of the *Domestick* *Præfectors* under *Gallus Cæsar*, he was to him False and Perfidious; and after his Death, when preferred to so eminent Place in the Army, he feigned the like Crimes against *Julian*; and to the Regret of all Good men, frequently suggested to the Emperour, whose Ears were open to all such Matters, cruel things, not knowing that wife Saying of *Aristotle* to his Disciple, and *Kinman Callisthenes*, when he sent him to *Alexander*, that he should converse as seldom as he could; and when he did it acceptably, with him, who carried the Power of Life and Death on the Tip of his Tongue. To this Story of *Callisthenes* thus applied, *Ammianus* adds another Observation; that not only men, the minds of whom may be believed, to be akin to Heavenly Bodies; but even other Animals, though they want Reason, yet are taught by Nature to keep Silence, when their Safety is thereby preferred; as it appears, faith he, by one well known Example. The Geese leaving the Eastern Parts, because of the Heat, and flying to the *Northern*; when they come to the Mountain *Taurus*, which abounds with Eagles, being in fear of those valiant Birds, they stop their Beaks with Stones, on Purpose, that the greatest Necessity may not draw from them any Noise, which might Discover them; but when they are over, and past the Mountain, they immediately let them fall again, and so securely prosecute their Journey.

70. But, besides these Matters of Jealousie and Punishment, we find *Constantius* employed at this time about other Affairs. And first, we must take Notice of an Edict made now by him, than which scarcely any one Law hath given greater Occasion to learned men of late time, to exercise their Critical Wits. *Constantius* the Great, had formerly thought fit to exempt his Patrimonial Lands, and those called *Fundi Emphyteutici*, which lay in *Italy*, from extraordinary Services, as well as those that lay in *Africa*, and that they should be only Subject to the ordinary Payments of Tributes, or of the *Species Annuarie*, and *Cellarierie*, formerly mentioned. Now by another Edict directed to *Taurus*, the *Præfectus Prætorio* of *Italy*, and proposed at *Rome*, on the seventh before the Calends of *March*: *Constantius* his Son ordains, That this Privilege, after the Examples of *Africa*, and *Italy*, be also extended to those kinds of Lands lying in the *Urbicarian* Regions, and in *Sicily*. What the Prince his Patrimonial Lands were, the Reader may understand, by what we have formerly said of his Patrimony, and the Officers belonging to it, as the *Rationalis*, and *Procurators*. As for the *Emphyteutici*, or *Emphyteuticarii*, they were those of them, that were granted out to private Persons by way of an *Emphyteusis*; that is, for such to hold them for ever, provided they paid so much as was requir'd (Canon they termed it) for an Acknowledgement; and they were usually Barren Lands, which these Persons were to Cultivate and Manure. But this Matter the present Nature of our Work allows us not to inquire further into; but to take Notice of several other things very notable in this Law, and proper for our History. As first, at this time there were these four remarkable Provinces in the Diocese of the *Præfectus* *Vide Gothicis* *Prætorio* of *Italy*, distinct, and several, viz. *Africa*, *Italy*, the *Urbicarian* Provinces and *Sicily*; agreeable to what *Zosimus* writes, though not with such Distinction, concerning the first Institution of this *Præfecture* in the Time of *Constantine*; although neither doth that Prince appear to have been Author of the four *Præfecti*. In the second Place, and especially, are to be taken Notice of, the *Urbicarian* Regions, Separate and Distinct, as from *Africa*, so from *Italy*, and from *Sicily*. Now the *Urbicarian* Regions were those Countries lying within an hundred Miles of *Rome*; and *Italy*, (when no more is added) signifies in the Constitutions of Princes, all the remaining Parts of *Italy* lying beyond them. And it is as important (almost) to take Notice, that in this Law is the first and most antient Mention made of these

S 2

Urbica-

By a Stragen Invades Germany.

Which constraints several Princes to submit.

Constantius makes a Law about the Exemption of his Lands from extraordinary Services.

The *Urbicarian* Regions, which.

L. L. 1. 2. de Extraordinariis. Cod. Th. ad. leg. 1.

L. 9. de Extraordinariis. Cod. Th. ad. leg. 1. de Extraordinariis. Cod. Th. ad. leg. 1.

Sec. 4. Urbicarian Regions, which occurs no where before in the time of *Constantine*; A. D. 352. whereof this may well be taken for a Reason, that about this time *Constantius* brought up this Division and Distinction, for settling the several Jurisdictions of the *Præfatus Prætorio of Italy*, and the *Præfatus of the City* in the Point of Appeal, as was noted a while ago; whereas formerly the *Præfatus of the City* received Appeals, or challenged them out of all the Regions of *Italy*. But now *Constantius* confined him within his peculiar Diocese, and brought up this new Appellation of the *Urbicarian Regions*, as being the Diocese of the City it self, whose *Præfatus* should only within it, by his Order, have this kind of Jurisdiction. And indeed at this time, as *Gothofred* further observes, peculiar Governours seem to have been given to the *Urbicarian Regions*, or Provinces, as namely to *Tuscia*, and *Picenum*; though afterward, they became again united with the *Provincia Annonarie*, of which heretofore. This Law was propoed to view at *Rome*, because it belonged to it's Diocese. Further, *Sicily*, *Sardinia* and *Corfica* are mentioned by *Zosimus*, as in equal Right under the *Præfatus Prætorio of Italy*. But here *Sicily* is separated from them, as alone enjoying this Immunity, though all three had but one *Rationalis*. And neither is it reckoned here as United to the *Urbicarian Regions*, nor yet to *Italy*, which afterward it was.

See Edit. reference to the Persian War.

71. On the fourteenth of *March* he made another Edict, directed to *Helpidius*, L. 5. de Exco-  
the *Præfatus Prætorio of the East*, relating, as we may easily guess, to the War now tione Militari  
again drawing on against the *Persian* (Of which shortly) and Commanding that Annua Cod.  
the Souldiers should carry with them Provision for twenty dayes *March*, out of the Th. Lib. 7.  
Publick Store-houses. This Quantity of Vituals for just so many dayes, we lately 71. 4.  
observed *Julian* to have Ordered his Souldiers to take along with them in their Ex- Auct. a Cod. Ju-  
pedition against the *Germans*, and that from *Ammianus Marcellinus*, who calls it sita.  
*Buccellatum*, which was Bisket, or a kind of Bread, but lighter than the ordinary sort, and which would keep a longer time. The Souldiers were wont in Expeditions to take this *Expeditionalis Annona*, as the Law calls it, along with them, (yet the old custom was but for seventeen dayes) and *Ammianus* saith, they carried it on their Backs. But, besides this Edict, he Directed two others, concerning this same Subject, and to the same Person, *Helpidius*; and therefore we may well conclude, upon the same occasion of the *Persian War*, which we shall here add, though the one was made the year going before this whereof we write, and the other in that which followed it, because it will not be unprofitable to the Reader to know the Usages of the *Romans* in these particulars. The first was Dated not three L. 4. tij. ff. Tit.  
Months before that of which we now speak, and but four dayes before the begin- Dat. David. 4.  
ning of the very year; and Commands, That when the Souldier is in Expe- Kel. Jan.  
dition, he have allowed him two dayes together the *Expeditionalis Annona*, and Auct. 3.  
on the third day Bread and Wine. By *Annona*, the same with *Buccellatum*, or L. 6. tij. ff. Tit.  
the Ammunition-Bisket, is meant, to which is to be added Vinegar; for, as the one Jan. Hicopoli  
is opposed to their common and ordinary Bread, so the other to Wine, which they Constantio  
had usually in their Quarters, but not so in their Marches, because of the conveni- et Julianus Cod.  
ence of Travel, as is most probable, the one sort being much lighter than the 3. Cof.  
other; but as for Vinegar, it seems added for Drink, being mingled with Water, L. A. D. 360.  
and also perhaps to give a grateful Taste to the Bisket, and make it go down; Lex 1. Cod.  
which kind of Fare, the *Turks* at this day, out of their great Humanity, afford to Just. ed. Tit.  
their poor Gally-Slaves, to whom, when they Row very long, they give every man in his Wooden Bowl, that stands by his Chain, some Vinegar, wherein to sop his course Bisket, as a great and cheering Dainty. But in such manner did *Constantius* order the Fare of the Souldiers by this Law, as gave him no great Encouragement for so long and tedious an Expedition; for instead of Encouraging, he cut him short of the usual Allowance, which stipend afterward he found reason to alter, and by another Edict to prescribe another course of Allowance, thereby Repealing that scant and uneasy Law. In this he tells *Helpidius*, That frequent Custom shewed, how the Souldiers were wont in the times of Expeditions, to have allowed them, both the Bisket (or *Buccellatum*) and Bread, as also both Wine and Vinegar; and moreover, both Lard and Mutton, all in this Order: For two dayes together the Bisket, on the third day Bread; one day Wine, another day Vinegar; one day Lard, and Mutton for two dayes together. These Laws were Enacted in reference to the *Persian Expedition*: Now for the War it self.

72. *Prosper*, *Speclatus* and *Eustachius* being sent Ambassadors, as formerly was said, to the *Persian King*, presented the Emperor's Letters to him, now returned to *Ctesiphon*, and urged him, thereupon to make a Peace; though they kept themselves so close to their Instructions, and were so careful for the Honour of him that sent them,

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The Persian King resolved to have Armenia and Mesopotamia.

them, that they offered no unworthy or mean Terms; but required, that he would Engage in no Course that should tend to the Disturbance of *Armenia*, and *Mesopotamia*. But they found *Sapor* to obstatine in that point, that except he might have those Countreys surrendered to him, he would yield to nothing; and therefore having long stay'd, and pressed the Matter, but in vain; they returned, and to life if they could speed any better in their Errand, two others were sent in their Room; which were *Lucilianus*, a *Comes*, and *Procopius*, a *Notary*, at this time; but who was afterward by Necessity driven upon such High Undertakings, that we shall then hear too much of him. Neither were their Endeavours so effectual as to prevail upon that Resolute King; who burning with a vehement Desire of enlarging his Dominions, made all Preparations he could against the Spring; and, as if he desired to fight against *Constantius* his Humour, as well as his Person and Territories, consulted Wizards about the Success, and what would after happen, than which nothing was wont more to discompose and vex the Emperor. What Disturbance was wrought upon him by hearing of this Practice of *Sapor*, we know not; but his Jealousie was supplied, and fed at that time by other Suggestions. For when the News of the *Persian Preparations* was come to Court, and all were in Suspense and Fear; the Fabrick, called the *Comitenfis Fabrica* (viz. that they were Chief in *Comitatu*, or about the Emperor) which always, both Night and Day, as our Historian breaks the Jest, hammered upon the Anvil what *Eunuchs* pleased, accused *Ursicinus*, the *Magister Equitum*, to him; as one, who after the Death of *Sylvanus*, when there was none left to take Care of the *Eastern Provinces*, designed no less than to set up for himself. This they did to gratifie *Eusebius*, the *Præpositus Cubiculi*, the only man with *Constantius*, and who plotted the Destruction of *Ursicinus*, both because he alone was Independent of him, and needed not his Support, as the rest did; and also because he would not part with his House at *Antioch*, which he most earnestly Coveted. For these Reasons he caused the *Cubicularis* (as those that were under his Charge, and by their nearness to the Emperor, had full Opportunity to inflame his Jealousie) to infill Suspitions continually into his Ears against that valiant Man. Here *Ammianus* tells us, he cannot but commend *Domitian* himself, who, though by a Demencour he unlike to those of his Father and Brother, he blemsied his own Memory, and contracted an inexpressible Detestation of his Name; yet was Famous for one most received Law he made; *Wherby he forbade, that any Boy should be Gelded within the Bounds of the Jurisdiction of Rome*; which if it had not happened, faith he, how could the Swarmes of those Creatures have been endured, the very small number of which cannot be borne.

Eusebius, the Præpositus Cubiculi, Plots against Ursicinus.

Domitian his Law.

One Antoninus injured by the Great Officers.

73. But *Eusebius*, and his Complices were so cunning, that for Fear *Ursicinus* being again sent for, out of Apprehension of Danger, might do really, what they but feigned he had a Design to do; they thought the Matter was to be kept Secret, till a convenient Opportunity could be presented of putting him to Death, which while with some Impatience they expected, another Mischiefe of no small Consequence befel the Empire. There was one *Antoninus*, formerly a Rich Merchant, afterwards an *Apparitor Rationarius*, but at present a *Protektor* belonging to the *Dux of Mesopotamia*; a cunning Man, and very well versed in Business, who by several of the great ones being oppressed, could obtain no Justice against them; the Judges being still inclining to favour those in Power, so that perceiving there could nothing be done, he confessed a Debt, which his knavish Creditor transferred to the Treasury. But now designing in his head a profound Revenge, he began to search out all the Intrigues of the Empire, and being skill'd as well in one as the other Language, he inquired into the whole State of the Army; of what Numbers the several Parties consisted, of what Strength they were; where they Quartered, and who Commanded them in times of Expedition: as also about Arms, and Provisions, whence, where and how they were furnished. Having fully informed himself, when the Day of Payment of the Debt drew near, which the *Comes Largitionum* very rigorously exacted, he resolved with all his Family to fly to the *Persians*. And that so doing, he might escape the *Stationary Souldiers*, he bought a piece of Land, of no great Value, in a place called *Haphs*, lying upon the River *Tigris*; which being known, he was not at all suspected, or question'd, for going to his own Estate. On the other side of the River lay those *Persian Territories*, which were governed by *Tam Sapor*, one of the *Satrapas* formerly mention'd; with whom, being formerly known to him, he held now Intelligence by some skillful in Swimming, being such as he could Trust, who in the Dead time of the Night, sent Boats, and fetch'd him over, with his Wife, and Children. Being conveyed to the King; as formerly *Maherbal* Blamed *Hannibal*, he often told him, that he knew how to get, but not how

Flies to the Persian King.

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to use a Victory; instancing within the Memory of Forty years, in several Passages; as after the Battels of *Hilcia* and *Singara*, especially in that bloody Battel fought by Night; so great a Slaughter having been made, he neither fell upon *Edeffa*, nor seized on the Bridges of *Euphrates*, as the Conquerours in Prudence ought to have done; especially the *Romans*, at that time, being embroyl'd in Civil Discords. These, and many other things he Discour'd at Meals, while the *Perfians*, after the manner of the *Greeks*, consulted of War and other Serious Matters; and thereby Inflamed the *Persian* King with an Earnest Resolution to do his utmost the following year: and he made all suitable Preparations, being Encouraged by the Skill and Promises of fo understanding a Fugitive.

74. In the mean time the Design against *Ursicinus* went on at Court, where the Emperor's Followers, by the especial Assistance of *Emmich*, brought the Plot against him to some Perfection, &c. that sort of Creature being over-greedy and Ravenous, and themselves capable of no Children, most Ferivently, (as *Ammianus* observes) embraced Riches as their Darling-Daughters. And it was Resolved, that *Sabinianus*, a Decrepit, Old man, well-money'd, but Lazy and Feeble, hitherto thought too obscure for such a Dignity as that of *Magister Militum*, should, in his room, be sent to Govern the *Eastern* Parts; he being called to Court under pretense of Succeeding *Barbario*, in the Command of the Foot; that fo being greedy of Innovation (as they affirmed) he might be Expoted to the Observations, and Arts of his greatest Enemies. *Sabinianus*, Elevated by his New and Unexpected Dignity, went to his Charge; and being come to *Cilicia*, gave the Emperor's Letters to his Predecessor; the purport of which was, that he should hasten to Court to receive a greater Preferment, at that juncture of time, when, although he had been absent, as far as *Thule*, there was great need of his Return, who had had so great Experience in the Conduct of Military Matters; and especially in what concerned the *Persian* War, which was now pressed upon the Empire. The Rumour being spread abroad, that he was Recalled, the several Cities and Countreys concerned, by their Unanimous Desires, and Cries, would needs stop him, beholding him no otherwise than as their Guardian: for they called to mind, how, though he entred upon his Charge with Forces of no value at all; yet had he preferred his District, and lost nothing for Ten years together; and they very much suspected their own Safety, being now to be Protected by a very Coward, and that in fo Critical a Time as now was coming. But strange it is, that the Report of this Designed Alteration should so speedily fly into *Persia*, (our Writer tells us he doth not doubt but swift Fame flies through the airy paths) where a great and serious Consideration being held thereupon, by the Advice of *Antoninus*, it was Resolved, That seeing fo unfit a Person was to Succeed *Ursicinus*, they should take the fair Opportunity now offered, and passing by the Towns standing upon the Borders, march with all convenient speed into those Countreys under his Conduct, and seize upon them, the greatest Attievement of all others; they having never been touched since the Dayes of *Gallienus*, and by reason of the long Peace they had enjoyed, abounding with all things.

75. In the mean time, *Ursicinus* and his Followers, (amongst whom was *Ammianus* the Historian) having staid a little on this side the Mountain *Taurus*, halted, according to the Orders receiv'd, towards *Italy*, and were come as far as *Hebrus*, a River falling down from the Mountains of the *Odryse*. There he received other Letters from *Constantius*, requiring him without Delay to return into *Mesopotamia* without any Guard, for that the Power was put into another man's hands; which his Enemies contrived for this Reason; that in case the *Persian* returned without any thing done, the Honour of the Defeat might be Ascribed to the New Officer; but if he prospered, the Miscarriage on the *Roman* side might be imputed to *Ursicinus*, as a Betrayer of his Countrey. Being thus toiled up and down, without any good reason, yet he obeyed after some Dispute; and being returned, found his Successor very scornful, a man of mean Stature, and as narrow a Soul; so far from being fit to manage a Battel, that without Fear and Trembling he could scarcely hear the Contentions, which occasionally happened at the Table. One Messenger still Confirming what another brought concerning the great Preparations of the *Perfians*; it was Resolved to march to *Nisibis*, left the Enemy, however looking another way, should make an unexpected Attacque upon it. Whilst they were Fortifying the Place, the great Fire and Smoke seen from the Walls through the Countreys lying near to *Castra Maurorum* and *Sisera*, which grew greater and greater, as they nearer approached, gave warning evident enough, that the *Perfians* had passed

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passed *Tigris*. *Ursicinus* then with some Forces went to Coast about the Country, and give such Order as he saw convenient, for Prevention of so great Mischiefs as impended: and it was thought fit, that the Inhabitants should be compelled to quit the Country of *Mesopotamia*, and Retire, with all they could into the strong Holds; to leave *Carra*, a City not tenable, the Walls were so much decayed; to let all the Corn and Grass on Fire, and fortifie the hither Bank of *Euphrates*; so as the Enemy might find no easie Passage; and the Autumn being so far come on, that the Corn was now turned white, the Fire took and burnt up all; so that the *Perfians* could find no Forage, nor any Ford to pass the River; till by *Antoninus* the Fugitive, they were led more unto the Right Hand, where there was Grass and Corn enough, and the River near it's Head, was not so swoln with the melted Snow, which lower down in abundance fell upon it. The *Roman* Troops light amongst those of the *Persian*, and *Ursicinus* had the Fortune to see *Antoninus*, whom, having espied, he Reviled as a Villain and a Traytor; but he not endeavouring to conceal himself, Leaping from his Horse, took the *Tiara* from his Head, which had been given him as a Badg of the greatest Honour, bowed himself near to the Ground, and giving him the Titles of Patron and Lord, holding his hands behind him, as the Custom for Supplicants was in *Affria*, prayed him to pardon him; for that he was engaged in a Course he knew to be naught, not by Choice but Necessity, through the Avarice of some Rapacious Persons, against whom he himself could not but remember that his high Place and Power was not able to protect him. Which said, he withdrew himself, not turning his Back, but going backward, till out of Sight; as the Custom was in those times, and since hath been practised by the *Eastern* and *Northern* Nations.

76. Besides the *Persian* King, attended by *Grunbater*, King of the *Chionite*, besides the King of the *Albanis*, and followed by a vast Number of men, took two *Roman* Castles, called *Roman* and *Busan* by Surrender, and to those he found therein, shewed himself very merciful, to obliterate the prejudice which his former Cruelties had procured against him. Thence pursuing his Design, on the third Day, he came to *Amida*, where he did not think of making any Stay; but resolved to pursue those Councils that *Antoninus* had suggested. For he concluded, that those within, at the first Sight of him would not dare to hold out; and he in Person rode to the Gates, on Purpose to be seen, having his Guard about him, and wearing on his Head an Ornament of Gold, resembling the Head of a Ram, all glittering with Gems, for a Diadem. But with this Sight the Defendants were not so dismayed, but that while he pressed on, they had the Courage to let lie at him, and there he had perished in his Gaiety, if the Dust had not intercepted their Sight; so that he escaped with Loss of part of his Robe cut from him by a Javelin; though sufficiently enraged: for he exclaimed against them, as equally Criminals, with those that had Sacrilegiously robbed some Temple, in that they had offered Violence to the Majesty of him that was Lord of so many Kings and Nations; and most earnestly was bent to destroy the City, as contaminated by so great guilt, till by the gentle Insinuations and Petitions of his Captains, he was mollified, who besought him, that together with that Town, he would not Sacrifice the Hopes of fo great an Enterprize, as he had undertaken, to his Anger. Next day therefore he resolves to summon the Place, and for that Purpose *Grunbater*, King of the *Chionite*, goes with a Company that offered themselves, towards the Walls, whom as a skillful Engineer saw approaching, he levelled, and let lie at him, and though he mist his Person, yet he killed his Son; a Goodly, Proper Youth, that went close by him. With this Accident such as were present were so struck, that they all ran away; but conceiving themselves obliged to fetch off the Body, again returned, and by their great Cries and Lamentations, provoked those other sorts of People that were with them to do the like. Now followed a most deadly Contest, the Darts and other missile Weapons flying like Hail, and till Night it continued, by the Darknes whereof covered, at length they got off the Body, drawing it over Heaps of other Carcasses, and through Rivulets of Blood, and celebrated the Funeral, according to the Rites of his own Country, in this manner. He was placed armed, as he was wont to be, on an high and large Scaffold, and about him ten Beds, whereon lay so many Images, so well ordered, that they represented Bodies already buried; and for seven Dayes together, all the men that lay at their Quarter Feasted, and Danced, and Chanted certain Songs, whereby they bewailed the deceased Prince, while the Women in the mean time, with miserable Lamentations complained, that the Hope of their Nation was cut off in the Flower of his Age. This Solemnity finished, the Body was burnt, and the Bones put into a Silver Urne, which the Father had intended

Id erat Oras-  
mentum ex Au-  
re & Margaritis  
confectum, quo  
Persianus Ma-  
gistratus, Re-  
gi paratus, ut  
super Capite re-  
batur.

Ammianus  
lib. 19.

Take two  
Roman Castles,  
and proceed  
to Amida.

Which, Sapor,  
conceiving  
himself af-  
fronted, re-  
solves to De-  
stroy.

Grunbater,  
King of the  
Chionite dis-  
satisfied, goes  
to summon  
the Town, and  
kath his Son  
killed.

His Funeral, af-  
ter his own  
Country man-  
ner.

Ursicinus sent  
for to Court,  
and an unfit  
Person sent in  
his room.

Hence the *Per-  
sian* takes  
heart.

Ursicinus or-  
dered to re-  
turn into *Mesopotamia*,  
without a  
Guard.

The *Perfians*  
pass *Tigris*.



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77. After a Repose of two Days, wherein yet a Party was sent out to waste that Fertile Country, round about, they began their Work; when early in the Morning from the Walls no Prospect could be had, but that of Armed men, disposed to several Quarters of the Town. The *Perfians* lay round about it. The *Chionite* had their Post toward the East, where the Prince was kill'd; the *Verte* lay toward the South, the *Albani* to the North; and to the Guard of the Western Coasts were Assigned the *Segefant*, of all others the most Warlike, and further strengthened by a Company of Elephants, terrible to behold. Now did they within think of nothing, but how to dye with most Honour, the best thing they could hope or wish for. From Sun rising to it's setting, the Army stood in that Posture of facing the Town, not in the least stirring, nor so much Noise, as that of the Neighing of an Horse being heard; and their time once out, they retreated again to their Camps, where they refreshed themselves with Meat, and Sleep. But when it was almost Day, the Trumpets sounded, and they again begirt the Place, which looked as if it would have been shouted down to the Ground by so great a Multitude; and when *Grumbates* cast up his Lance, befmeared with Blood, as the Manner of his Country was, they instantly attacked the Walls; and a dreadful Fight ensued; the Besiegers with all Alacrity giving the Onset, and the Defendants with as much Resolution receiving them, and defending themselves with Engines, Arrows, and as otherwise they best could; so that on both sides vast Slaughter was made, and all the Day it continued; neither could Night it self force them to give over, so eager were they and obstinate in the Prosecution of what they desired, continuing in their Arms all the Night. The Hills echoed again with the Noise, while the *Romans* extolled the Virtues of their Emperor *Constantius*, as the Lord of the World; and the *Perfians* roared out, that *Sapor* was *Saanfaan*, and *Pyroper*, whereof the one signifies King of Kings, and the other Conquerour in Wars. Before it was light the Alarme was again founded to renew the Storm, and Innumerable Companies flocked together; so that at Day-Break nothing could be seen throughout the Plains and Vallies, but the glittering Arms of these savage Nations. With a great Shout they gave the Onset, and the whole day this second Dispute also continued; when the Numbers of Wounded on both sides were so great; that the ensuing Night had now that Operation upon them, which the preceding could not effect; for the Besiegers drew off, and they all applied themselves, as well as they could, to cure their Wounds, of which there was a sad Spectacle in the City. *Ursicinus*, though much disdainful, that he was subjected to the Command of another Person, especially such an one as was *Sabinianus*; yet sent to him, and advised him to bring his *Vetites* into the Field, that they might take such Advantages, as were presented, and fall in upon the Enemies Trenches on a sudden, or intercept him by Stratagems, as he removed from Place to Place. But he refused to do this; pretending publicly, that his Instructions were to act only in such Ways and Methods, wherein the Army could not be endangered; but indeed, he remembered what secretly had been agreed on, betwixt himself, and those that procured him the Command, to cut off all Occasions whereby his Predecessor, who ever burned with Desire of Glory, might do any thing that would procure him Honour; though the Provinces lay at the Stake. Therefore could he doe no more, than often to send abroad his Espies, to know the Condition of *Amida*; though they could not come near the Town; and other things he attempted, but, being without Power, to no Effect; and so fretted and tired himself, as a Lion, how Big and Grim soever, seeing his Whelps caught in a Net, Fomes and Rages; but dares not go in to their Relief, being deprived, both of his Claws and Teeth, as *Amunianus* frames the Comparison.

A violent Attacke,

Renewed without Success.

Efforts will ing, but not able to relieve it.

A notable Attempt of the Perfians miscarried.

78. But, to other great Difficulties wherewith the besieged strugled, this also was added; that by reason of the great Multitude of dead Carcasses lying in the Streets and Passages, greater than could presently be buried; such a Stench arose, as joyning with the Heat of the Season, and the Infirmitie under which the People laboured upon other Accounts, it bred a Pestilence; but this again was avenged, the Air being tempered by some Rain, which fell on the Night that followed the tenth Day of the Siege. Now with more Vigour than ever, to attacke the Place the *Perfians* raise many, and great Mounts and Turrets, on which they set their Engines to batter the Walls, and there being a Tower down a steep Rock, by Staires; some seventy Archers of the King's Guard, and bolder than their

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Two Legions of Galls troublesome in the City, and will needs make a Sally.

Fail of a great Design.

A Truce for three days.

Another Onset.

79. In the mean time, the Walls were Defended all ways possible, and the *Perfians* having raised two very high Batteries, to annoy the Town; the Besieged raised other two higher than they ever against them. Now came a Dark and Mitty Night, and the *Galls* would be kept in no longer, but out they went at a Postern, Armed with their Swords and Battle-Axes, and they Fortified themselves by their Prayers. They endeavoured so much to surprize the Enemy, that they would scarcely breathe for fear of making a Noise, and killing some of the Sentinels, came to the Fore-Guard, which easily cutting in pieces, as having not the least Apprehension of any such Matter, they purposed, and hoped to reach to the King's Quarter, ere they should be much Discovered; but the Cries of the Wounded, and the Noise of such as thrust away, gave the Alarm timely enough to his Guards, and the Souldiers were so soon on their Legs, and ran such multitudes together, that the Daring *Galls* were presently at a stand, finding themselves frustrated of what they had Principally Designed, and without turning their Backs, retired by degrees out of the Lines, as utterly unable to sustain the Violence of those that came upon them. Now were the Gates cautiously opened to receive them, and in they were taken, with the loss of four hundred of their Company, besides some that were mortally Wounded, having narrowly missed of killing the *Perfian* King, though encompassed with an Army of an hundred thousand men; for which, and other Bold, and sometimes more Successful Attempts, the Emperor caused the Statues of the chief Leaders of them to be Erected in a place of Concourse, at *Edessa*. When the Light came and discovered what Mischiefs had been done, much Lamentation there was heard of the Kings and Nobility, for the great Loss they had sustained of their Friends and Relations; for, many *Satrapas* and other Great Persons were kill'd, and a Truce was agreed on for three days; the Besieged being glad to have so much time wherein to take some Breath. But the Enemy Enraged now more than ever, resolved, either by the Destruction of the City to Appease the Ghosts of the Slain, or Perish in that Glorious Attempt; and all sorts of Engines and Devices they prepared, against the time the Truce should be expired; resolving to take that course, seeing that down-right Force could not prevail. By break of Day they came on, not as formerly, but in great Order, covered with their Machines; yet did the Arrows and Darts of the Besieged great Execution, none of them falling in vain; and the *Perfians* were forced to separate, though they sorely annoyed the *Romans*; by their Engines of Battery placed upon Turrets covered with Iron, which being much higher than those of the Defendants, killed them many men. In this manner was all this Day spent; and the most of the next Night the Besieged passed, in considering how they

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80. Thus were the Batteries broken down, but the Fight, for all that, did not intermit. The *Persian* King himself, though not obliged to be present in Battel, thrusting amongst the thickest, like an ordinary Souldier, and Encouraging his Men; neither was he daunted by the showers of Arrows that fell near him (being sufficiently known by his Equipage to those on the Wall) till many of his Guard falling about him, at length he retired, when Night came on. And the Night having given but small Rest to the Besieged, the succeeding Day renewed their Sorrows, and Advanced them to the greatest Extremity. For, whenas the Turrets were broken, and rendred Useles; the *Persians* applied themselves to Fight upon these Mounts they had raised near the Walls, to which, when they within opposed others, that they might fight on even ground; one of these Mounts, as if it had been with an Earthquake, removed, and fell upon the Wall, bearing it down, and filling up the Ditch without, so that it lay in the posture of a Bridge, or Causey, giving large Entrance to the *Persians*. By this time was the greatest part of the Garrison Souldiers either killed or disabled; yet without all fear of Death, Numbers flocked to make good the Breach, inso much that one hindered another; but the Alacrity and Vigour of the *Persian* King, being more whetted by so notable an Advantage, he caus'd all his whole Force to Improve it; and now coming to dint of Sword, the Ditch was filled with dead Bodies, and thereby larger Access made to the Town. No longer could any Resistance be made, but the poor Defendants having done as gallantly as any in such a condition could do, running here and there, were slaughtered like Sheep, without distinction of Sex or Age. Some of them getting together, made what Opposition they could, and resolv'd to sell their Lives as dear as possible: but *Ammianus Marcellinus*, who was in Town all this while, and wrote the Story, with two others, assisted by the obscurity of the Night, escaped through a Postern, which was not observed; and using as much Speed as such a case required, got to a Place ten Miles distant, and thence overcoming many Difficulties, pass'd over the Countrey to *Euphrates*, which crossing by a Ferry-Boat, they found out *Ursicinus*, who was now Travelling to *Antioch*. But, to return to *Amida*. *Abian*, a *Comes*, and those *Tribunes* by whose Valour and Conduct the Town so long held out, were Nail'd to Crosses. *Jaculus* and *Crisus*, two of those Officers belonging to the *Magister Equitum*, called *Nuacerarii*, were led away together with the rest of the Multitude into Captivity, with their Hands bound behind them; and as for them that lived beyond *Tigris*, being carefully sought out, they were put to the Sword, as well great as little. And now the City being Raz'd; for that Autumn was something advanced, *Sapor* resolv'd to return homeward, outwardly rejoicing, and making a shew of Triumph; but inwardly and secretly Fretting, for that he had lost more men himself, than he had either taken alive, or killed in any of the late Engagements, as formerly it happen'd at *Nisibis* and *Singara*; for, before this Town perished on his side Thirty thousand; as was discovered by *Discentes*, a *Tribune-Notary*, who discern'd them from those of the other by this Token; that the *Caikakes* of the *Romans* freely rustied, so that after four days they could not be known by the Faces; whereas those of the *Persians*, dried like so many pieces of Wood, without any Moisture or Corruption appearing, by reason of their spare Diet, and the great Heat of the Countreys where they had lived.

Renew'd the following day.

In which, the Wall being broken by the fall of a Mount, the City is taken.

Ammianus the Historian escapes.

The City Raz'd.

Sapor having lost before it 40000 men.

81. Leaving now *Sapor* to prosecute his Retreat, we must return also into the *Western* Parts, and inquire what becomes all this while of *Constantius*. As we left, so we find him at *Sirmium*, all the last Winter, till call'd again into the Field by the Motions of the *Sarmatae Limigantes*, or Slaves, whom the Summer before he had caus'd to change their Dwellings, and remove into other Parts, at a greater distance: and *Ammianus* writes, that he was forced to march, e're Spring was full Ripe, or, as he words it, *Adult*: which, if we Consult the Dates of some Laws made by him at this Time and Place, we must interpret at the later end of May. For on the five and twentieth of March we find an Edict by him Directed to *Orystus*, the *Præfess* of *Rome*, which is more to be taken notice of, for the Mention it makes of the *Urbicarian* Regions, than out of respect to the Subject and occasion of it; although those Matters of such Antiquity, and concerning that City, be not to be Neglected. There were, as we formerly hinted, Bodies or Companies of Lime-burners, called *Calcarientes*, & *Calces Colores*, who prepared Lime for the

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L. x. de Calce Calcarientes. Cod. Theod. lib. 14. tit. 6. ab eis Titulus 3 Cod. Justin. vide Paratitulos.

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Constantius takes Order about the Burners, and conveyers of Lime.

the use of *Rome* and *Constantinople*, and another sort known by the Names of *Peduaris* and *Pedores*, who convey'd it thither. To the Maintenance of both these sorts of Workmen, certain Lands belonged, as by Service, to find them Maintenance: and *Constantinus* by this Edict Ordains; That (to clear all Disputes, which in this case might happen) from all such Lands shall be allowed to the Lime-makers, for every three *Vehei*, or Wain-Load of Lime, an *Amphora* of Wine, and to the *Peduaris* the like Quantity, for the Conveyance of two thousand and nine hundred Pounds weight of it. And he declares, that not the Persons, or the Possessors, but the Grounds themselves shall be lya'ble to this Payment, and more over Wills, that three hundred Oxen be given, or allowed to the *Peduaris*, out of the four Regions. An *Amphora* here is to be taken for a Measure, which contained eight and forty *Sextarii*, each of which held about as much as a *Paris-Pint*, or above our Wine-Quart. We see by this Law, that these Workmen were paid in kind, and not in Money, which was much in Fashion before Gold and Silver came to be so common as now it is. But whereas it is said, that so much Wine should be afforded to them out of these Lands, it is not to be understood, that the Possessors thereof paid it immediately to those Workmen; but there was a publick Office for Receipt of this Wine, called *Arca Vinaria*, which was under the Charge of the *Præfess* of the City, and particularly under this *Orfitus*, who now held the Place, as *Symmachus*, one of his Successors, and his Son in Law signifies, upon no pleasing Occasion. For, after *Orfitus* his Death, his Children were by the Treasury troubled about the Accounts of this Receipt, as *Symmachus* grievously Complains, though all had been issued out that he had received; and what was behind was in Solvent hands. And as for his two Daughters, they had not medled at all with what he left; so poor he died. Under the same *Præfess* there was another Officer or Accountant called *Rationalis Vinorum*: but as for what *Lampridius* writes of a Body or Company of *Vinari*, instituted by the Emperor *Alexander Severus*, and the *Tribunship* of the *Forum Vinarium*, of which *Symmachus* also makes Mention, and cited by *Juretus*, I rather think them to have relation to the publick Sale of Wines, and not to these that were paid in kind; except the *Præfess* or under-Officers sold these Wines, and gave the Price to the Workmen. This Law being directed to the *Præfess* of *Rome*, by the four Regions can nothing be understood, but the four *Urbicarian* Regions, of which first mention is made in this *Constitution*, of *Eusebius* and *Epiphanius*, (upon what Occasion we have already said) and fully observed by the Learned *Gothofred*.

And regulates Matters about Prætors.

82. At this time further Conte'sts happened about the Office of *Prætor*, which being so Troublesome, and especially Chargeable, as we have often said, all sorts of Persons endeavoured to shift it off, both from themselves and their Friends. And upon this Account Disputes arose about the manner of Elections; and such as had been *Pro-consuls* and *Vicars*, pretended, that they were above the Office. To Determine these and other Points, *Constantinus* Directed his Resolution to the Senate (directed now in the Code into two Laws) bearing Date from *Sirmium*, on the two and twentieth of May, whereby he declares his Pleasure, That only such Voices in the Election of *Prætors*, as had been *Prætors* themselves; such being best Judges (from their own Experience of the Office) who were fit, and rich enough to manage it. In the next Place he will have the common Course in all such matter to take Effect; viz. That the major part should have the decisive Power. That in a pompous kind of stile, he uses several Arguments to convince them, that the Employment was no whit below such as had been, either *Pro-consuls* or *Vicars*; telling them, that they could not but remember, nay, he believes, never could forget, how *Facundus* the *Ex-Proconsul*, and *Arsenius* the *Ex-Vicar*, had flourished with the Ensignes of the *Prætorship*; neither of them having thought it too mean, or an Eclipse to his former Dignity. By this it appears, that these two Persons were very eminent for their Worth, at this time, though otherwise we hear nothing of them; he demanding what can be more illustrious than their Examples? and laying that others ought by them to be admonished, though indeed *Proconsul*, and *Vicars* were reckoned of great Dignity, as being the first in the Rank of *Speçialibus*: But in the last Place, he, who ever much favoured the Senate, gives it full and absolute Power of Nomination and Election, according to these Rules, without any Recourse had to himself, or the *Præfess* *Prætorio*, as was wont to be practised in Matters of great Moment; and that so much toward the *Præfess*, that it was seasonable to put some Restraint to his Power. And indeed the Custom was, that the *Præfess* of the City (who as hath been often said) was the *Præfess* of the Senate (the word *Præfess* was very proper, though applied to Lay-Persons

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Symmachus lib. 9. Epist. 121. & lib. 10. Ep. 42. 47. & vide Justin. Hist. in 81.

L. 2. lib. 15. de Prætoribus &c. Cod. Theod. lib. 6. Tit. 4.

Quid enim illustrius his rebus? Exempla? Dignitas præfessus illis, de quibus alio tempore commemoravi &c.

Sect. 4.

sons in those Times ) had recourse to the Emperour, about the choice of *Prators*. We shall only, as to this Law, further add, that therein he gives but the Title of *Clarissimus* to the *Præfatus Prætorio*. For, in *Constantius* his Time, that of *Illustrius* was not received yet, in that distinct and proper Sense, as we find it applied in the *Notitia*; though about this time *Illustrius* and *Clarissimus*, as by several Instances might be proved, were joyned together in the Title of one and the same Person.

He removes from *Sirmium* to *Singidunum*, and so against the *Sarmates*.

83. From *Sirmium*, *Constantius* removed to *Singidunum*, a City of the *First Mæsia*; for there we find him by the Subscription and Date of another Edict, of the Eighthteenth of *June*, with which we think not fit to trouble the Reader. For, he was perpetually Alarm'd at *Sirmium*, with fresh Reports, how the *Limigantes*, not Content with the Territories Assigned them, began to make Excursions into those next the Borders, and would create him more work if not prevented. Gathering therefore his Men together, he Resolved to make as much speed as he could, and the rather, because he doubted not but the Army would think it, the sooner they were in the Field, the better, they Fared so well the last Summer. And *Anatolius*, being *Præfatus Prætorio* of *Illyricum*, was before-hand with them in Provisions, without any Disadvantage to any Man. He Marched first into *Valeria*, (formerly counted part of *Pannonia*, but so distinguished and named in Honour of *Valeria*, the Daughter of *Dioclesian*) and from the Banks of *Ister*, observing the Motions of the *Barbarians*, sent, and demanded of them the Reason why they kept not themselves Quiet at home, but Roved up and down the Borders, contrary to what had been enjoined them. Not knowing what to say, Fear made them Lye, and after Frivolous Excuses, they begg'd that he would give them leave to come over the River to him, and that he would please to Assign them some place to Inhabit within the *Roman* Pale; that they might betake themselves to Rest, and be able to pay him Tribute. At this he was exceeding Glad, as hoping he had gone through a Business of so much Difficulty without Blood or Sweat, and readily admitted them; being Flattered in his Expectation by his Attendants, who told him, how, by this means, all those Quarters being in Repose, he would have a Supply of Fresh Souldiers constantly from that People; for the Provincials, they said, would willingly Exchange Gold for *Troves*; which sort of Hope sometimes Endamaged the Affairs of the Empire. A Line is drawn near a place called *Acuninum*, and a Mount raised instead of a Tribunal; near to which some *Legionary* Souldiers were placed in Boats upon the River, to come upon the Backs of the *Limigantes*, in case they should prove Tumultuous. For a time, they stood with bended Bodies, in an Humble Posture, but bearing another kind of Mind than they made shew of: for, when the Emperour from the Mount was about to speak mildly to them, as those that for the time to come would be Tractable and Obedient; one of them, in a Furious Mood, threw his shoe at him, and cried *Marha, Marha*, which with them was the Watch-word for Battel; and with that, they all made, with a great Noise, and in a Menacing manner, towards him. He seeing Darts fly, and Swords drawn, in great fear leaped down, and pressing amongst the *Barbarians*, and his own men now Thronging together, got on Horseback, and made his Escape; some of those about him, who laboured to keep off the Multitude, being trodden to Death in the Croud; and his Imperial Chair, with the Cloth of Gold Cushion, became fair Booty to those that could first catch them, though it cost them dear.

84. For, the Army hearing the Prince was in Danger, in great Indignation and Rage, though but half Arm'd, rushed into the Place, to revenge a thing so Ignominious both to the Empire and themselves; and breaking with Violence into the Croud, they hewed and bore down all before them, without any Difference. There was no place now left for Intreaties; but those that begg'd Pardon, as well as such as were pertinaciously resolv'd, perished alike; and when they were all either kill'd or dispersed, (which were but few) some of the *Romans* were found Dead amongst them, either trodden to death, or slain by the Enemy, at their first Onset; as was *Celle*, Tribune of the *Scutarii*, who had cast himself into the thickest of them. The Infolence of these *Limigantes* thus punished, and all things settled upon the Limits, as Convenience required, *Constantius* returned to *Sirmium*, where, getting all things in readines, as the time would permit, he set forward for *Constantinople*, Resolving for the *East*, there to Heal the Wound lately received at *Amida*, and by a new Supply of larger Forces, to give a check to the Ambition of *Sapor*, who was resolv'd to leave *Mesopotamia* at his back, and pierce further into the Upper Provinces. But while he prepared to wage War with an outward Enemy, he

For which the *Limigantes* pay dear.

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L. 28. de Ap-  
pellationibus,  
Cod. Th.

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forgot not to raise Civil Storms, as it were, at Home (so *Ammianus* terms it) against such, as the insinuations of *Paul* the *Notary*, that most covetous, and cruel Informer, and his own Jealousie represented as Criminals in an higher degree of Enmity. There was a Fam'd Oracle at *Abydos*, a Town of *Tiebar*, of an Idol called *Befas*; to which, many flocking from the *Eastern* Parts, for Answers to their several Questions, it sometimes happened, that both the Question and Answer were left in Writing in the Idol's Temple. Some of these were maliciously sent to him, which presently Discomposed him, and in this Fit of Jealousie, *Paul* is sent away into the *East*, with whom is joyned *Modestus*, the *Comes* there, a man fit for the purpose: whereas *Hermogenes Ponticus*, the *Præfatus Prætorio*, was far of another Temper, and no whit proper for such an Employment. *Paul* so diligently plied his Business, that some were condemned to Banishment, and others to Death, he making his Markets out of their Estates, for which reason he so belaboured himself, that, if any Person had any Charms against a Quartan Ague, or any other Distemper, hung about his Neck, or by Night passed through the Monuments of the Dead, he was presently Accused, and Condemned as a Necromancer and Enchanter, as if he had Consulted *Dodona's* Grove, or the once fam'd Oracle at *Delfos*, against the Life of the Emperour. But, while Innocent Persons were thus Tormented, as desirous to know what the issue of things present would be, a Real portentous Prodigy happened at *Daphne*, that Pleasant and Renowned Suburb of *Antioch*, which *Ammianus* concludes, did signify, that the Commonwealth was going to fall into an Ugly condition or state, which, however, perceiving his Meaning to aim at a year or two hence, we are apt to believe was shortly to be fulfilled; a Monster was there born with two Mouths, two Teeth, and a Beard, four Eyes, and two very short Ears. We will not say, that this fore-shewed one to Succeed next in the Empire, that had two Mouths, in a very short time, being a Reader in a Church, first, a Professor of our Religion, and then an earnest Declamer against it, and a Persecutor of it; one, that in a short time look'd two several ways, as if he had two Stories of Eyes, and began to purpose to shew another sort of Teeth too, and, had he Lived, would have fore bitten; which wearing such a Beard, that *Ammianus* himself, though no small Friend, confesses it was Deformed, that it rendered him Ridiculous, and justly Expofed him to the Jeers and Affronts, even of those in *Antioch*, and about *Daphne*, where this Monster was born (as we shall shortly see) and where this Person was as much Gazed at, as it, for that Deformity, and other strange Signs he there procured to be seen, but had no Ears to receive any Advice, especially as to Religion. We put no stress upon these things, but to Comply with our Historian, whose own Relation, for the most part, or altogether makes good our scarcely serious, Interpretation.

The *Isauri* make Depredations, and are Quelled by *Laurentius*.

85. About this time, the *Isauri*, (a People of *Asia Minor*, Bordering upon *Cilicia*, of whom heretofore) having been long Quiet, began to return to their wonted, Restless courses; and falling down from the Mountains, Rocks and Thickets (which so sheltered them, that the Souldiers that lay thereabouts in Garrison, or in the *Præture*, could do little Execution upon them) much Distressed the Neighbouring Provinces by their Thefts and Depredations. To Restrain them, either by Fair means, or by Force, was sent one *Laurentius*, with the Dignity of *Comes*, a Prudent, and Civil Person, who, with such Discretion managed his Matters, that he wrought upon them, rather by Threats, than any harsher Effects; and continuing there some time, reduced the state of those Parts into so much Quiet and Order, that nothing justly could be Blamed. But by this time *Ursicinus*, after the Destruction of *Amida*, was come to Court, whither he had been sent for (as we said) to Succeed *Barbario*, as *Magister Pedum Præfatus*; for so it was pretended. He was no sooner Arrived, but his Advantages began to whisper, and then to speak out, of Heinous things done by him; to which *Constantius*, giving too much credit, committed the Hearing of the Matter to *Arbeto*, and *Florentius*, the *Magister Officiorum*, with Charge to inquire how *Amida* came to be destroyed. They could not for shame but reject such Allegations, as carried sufficient marks of Falshood with them; neither, for fear of offending *Eusebius*, the *Præfatus Cubiculi*, durst they lay the Load, as they ought to have done, upon the Base Cowardice of *Sabinianus*; but pursued trifling Matters, and foreign to the Business. Hereat he, who was most concerned, was so Enraged, that he openly said, Though the Emperour was pleased to slight it, yet the Weight and Consequence of the thing before them was such, that it could not but be Heard and Punished by the Prince himself, to whom he could easily foretell, that though he concerned himself so much about what had happened at *Amida*, after that manner which he truly related; so long as he was governed by *Eunuchs*, in the manner he was at present, though he himself went in Person with an Army the next Spring,

*Prætorius*  
*Rumpublic*  
on *statum* *est*  
*desertum*.

*Ammianus*  
lib. 20.

Señ. 4. yet should he not be able to Protect *Meſopotamia*. This was told to *Constantius*, and many things more added, with a Malicious Interpretation; wherewith he was so extraordinarily incited, that, breaking off the Inquisition, and not permitting such things to be laid open, as had been kept from his knowledge, he put him out of his Place, and Commanded him to Retire, preferring to it one *Agilo*, by a great Leap from being *Tribune* of those called *Gentiles Scutarii*. About the same time happened a great Eclipse of the Sun, seen in the East, where, from Morning till Noon, it was so dark that many Stars appeared.

86. But while *Constantius* was preparing to go against the *Persians*, he was, as we have it, from the two *Pagan* Writers, *Ammianus* and *Zosimus*, much Troubled in his Mind, to hear the Fame of his Cousin *Julian* spread so far and wide, who had done such wonderful things in *Gall*, and against the *Almans*. Grievously nettled, you must know, and fearing his Renown would increase, at the Instigation of *Florentinus*, the *Præfēt*, he dispatched away *Decentius* the *Tribune* and *Notary*, to bring from him the *Auxiliary Heruli*, and *Batavi*, the *Petulantæ*, and *Celte*, with three hundred more to be picked out of the other *Legions*, and that with all Speed, that they might be ready by the Spring, to set forward with the Army against the *Persians*. *Julian*, not perceiving the Design, or dissembling it (as knowing it his Duty to obey) made no Opposition; yet could not forbear to say, that it was hard, that those should be sent Eastward, who had left their Dwellings beyond the *Rhine*, on Condition that they should not be removed further than the *Alpes*; for it was to be feared, that the *Barbarians* coming in hitherto cheafly to the Service, upon hearing of this, would, for the time to come, be very backward. But his Complaint was in vain, for the *Tribune* not at all regarding what he said, but following fully his Instructions, with a Choise Party he had pickt out here and there, resolved to go his way. *Cæſar* was much troubled about the rest that were to be sent; on the one side, considering how much the Enemy might be thereupon encouraged in his Natural, and wonted Ferity; and on the other, that the Emperor's Orders must be obeyed, and the Absence of the *Magister Equitum* making him to distrust something, he wrote to the *Præfēt* to come to him, who was gone away to *Vienna* (now *Vienne* in *Dauphiné*) under Pretence of pursuing his Charge, as to Provisions for the Army; but indeed, on Purpose to withdraw himself from it, having given Advice, that these Forces should be removed from the Defence of *Gall*, which had done such Service, and were so terrible to the *Barbarians*. *Julian* pressed him to make haste to Assist the State, which now wanted his Advice; urging, that the *Præfēt*, in doubtful Junctures of time, ought not to be absent from the General, and that if he would not assist him, he would deſert himself of the Purple; concluding, it was more glorious for him to venture being put to Death, than that the Ruin of the Provinces should be ascribed to him. However, the *Præfēt* obstinately refused to come, and *Lupicinus* the *Magister Equitum*, being sent away with some of the Forces, *Julian* knew not what Course to take; but at last resolved, it was best to withdraw the Remainder out of their Quarters, and put them into the Road. This being once known abroad, a Libel was dropped near the Standard of the *Petulantæ*, amongst other Seditious Passages containing; that they were as Criminals, to be Banished to the utmost Parts of the Earth; and now their Relations should again become Slaves to the *Almans*, from whom they had delivered them by so many bloody Battels.

87. Word hereof being brought to *Cæſar*'s Court; when he considered the ground of their Complaint, he ordered them to carry their Families with them into the East, (in what Sense a Family is to be taken in such Cases, we have told the Reader already out of the Laws) permitting them the use of that sort of the *Curſus Publicus*, called *Clabularis*, for that Purpose. And when it was doubted what way they should go, at the Suggestion of *Decentius*, it was resolved it should be by *Paris* (which *Zosimus* calls a little Town of Germany) where *Julian* still lay, being not yet removed out of his Winter-Quarters. Upon their Approach he met them in the *Suburbs*, and according to his Custom, fell on commending such of them as he knew, and putting them in mind of those gallant Things they had formerly done, gently admonished them to go chearfully to the Emperor, where they should each be preferred, according to what they had deserved. Besides this, he invited the Principal Officers to a Feast, and asked them what he could do for them, who being wonderfully taken with so great Kindness, were very melancholy to think of their Journey, as well because thereby, through their hard Fortune they must be deprived of so sweet a Commander, as banished from the Places of their Nativity; and so in great Grief they went to their Lodgings. And now the Reader may easily guess

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Señ. 4. guess what this great Dearness, on both sides, would come to. Their Sorrow would not let them rest, till Morning, but in the Night they fell into great and heavy Lamentations, each as his particular Concernments pressed him; besides that General and Paramount one, of leaving so gracious a Prince; and making their Cases known one to another, their Anger, as Coales, when laid together, into a Flame, brake forth into open Rage: Their Tongues now have the strength to move their hands, and their Hands to grasp and brandish their Swords. To the Palace they march in a menacing manner, and besetting it round, so that none could escape; with a horrid Noise salute *Julian* by the Title of *Augustus*, and vehemently urge him to come forth to them. For all their Haſte he made them stay till it was Light, but then he was forced to come down. At the Sight of him, with a Reiterated Shout, and an Unanimous and Resolute Consent, they again called him *Augustus*; to whom he answered, *Nolo Imperare*, as Seriously and Cordially, as ever any said *Nolo Episcopare* in another Case. Nay our Author tells us, that All, Some, and every One (and surely they were a good many) of them, he resolutely Opposed; one while shewing that he was displeased, another while strutting out his Hands, intreating, nay beseeching them, that after so many and happy Victories, they would not do any unhandſome thing, nor by their unreasonable Rathsness give Occasion to further Troubles.

The Souldiers mutiny, and salute *Julian* Emperor.

He would decline it, but they compell him to accept the Title.

88. Having brought them to some Quiet, he then gently paid them to content themselves, and without any Innovation or Disturbance, they should have what they so much desired: for seeing they were so unwilling to leave their own Country, and go into remote Parts, they should return to it again, and he would take upon him to argue it with the Emperor, who was a most prudent Person, and capable of Reason. Now can we imagine these men of *Mars* and *Metal* to have Hearts, as hard and invulnerable, as the Steel, or Iron they wore; that so sweet so obliging Words could have no Impression on them, but to leave them merely selfish and ingratul? for one good Turn, doubtless, requires another. No, they would not endure he should cast such a Blot upon them; but unanimously, and with the greatest Earnestness imaginable, nay with reproachful Language, mixt, as if they would not be so used, they compelled him to receive the *Imperial Title*. Then being lift on high, upon the Target of a Foot-Souldier, and Silence being made, he was declared *Augustus*, and now was bid to produce his Diadem, but he denied that ever he had any; whereupon they asked for that which his Wife wore about her Head, or Neck. For the Reader must know, that generally a Diadem in those Times, was but a thing like a Fillet, or a Bracelet studded with Gold, or Pearl, or some such like things. But he told them, that it was neither seemly, nor lucky, to have his Beginnings graced with any thing belonging to a Woman's Ornaments (he would not for Marner's sake that Dress, which in his Tale of the *Cæſars* he so lovingly bestowed upon his Uncle *Constantine*) and therefore they took themselves to his Hoſte, to see if amongst his Trappings and Furniture they might find something to resemble that Ensign of Sovereign Authority. But he earnestly affirmed this to be also unseemly, and so without any more to do, one *Maurus*, who was afterward preferred to the Dignity of *Comes*, and ill behaved himself in a Matter of War, though at present but one of the *Hæſtati*, took a Bracelet, or Chain he wore, and confidently put it about his Head. And thus *Julian*, driven to it by utmost Necessity, and considering, that he had no way to shun the present Danger if he had persevered in his Refusal, was forced to submit, and promised them all five *Aurei*, and a pound of Silver.

89. The thing being over, he was Distracted with no less Care than formerly, so that he neither wore the Diadem, nor ventured abroad, nor minded any of the Publick Concernments, however pressing; but moved himself up close in his Lodgings, frightened by the Variety of these sad Accidents. Hereupon a certain *Decurio* of the Palace (a Place of Dignity *Ammianus* tells us,) ran suddenly to the Camps of the *Petulantæ*, and *Celte*, and roared out; that a dreadful thing had happened; for he, who by their Will and Refolution had been declared *Augustus* the day before, was now privily murdered. The Souldiers enraged at that Word, (as true Stories, or Fables are equally to move them) with their Swords drawn, or other Arms, ran furiously to the Court, and with the Noise, the *Guard*, *Tribunes* and the *Comes Domesticorum* himself was frighted away, as from present Death, not being able to imagine what they should mean. At length, seeing no Body to oppose them, they stooped both their Courſe, and Fury; and being then demanded what the Matter was, would scarcely be satisfied concerning the Safety of their Emperor, till, admitted into the Consistory they saw him gloriously set out with the *Imperial Habit*.

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4. Habit. But upon Report of what had passed at *Paris*; some of those that had been sent away toward the Emperor, under Conduct of *Sintula*, the Tribune of *Julian's* Stable, returned thither; and now it being time to show himself publicly, like an Emperor indeed, all were ordered to meet together in the Field, the following Day. Against the time a more stately Tribunal was erected, which he mounted with greater Pomp, Encompassed with the Eagles and Banners, and incircled with multitudes of armed men. After a little Pause, to take a view of their Countenances, and accordingly to Frame his Speech, when he saw them cheerful and pleas'd, He put them in mind, how from the time that being very young, he had in show worn the Purple, and by Heavenly direction been committed to their Protection, he never had been driven from his Purpose of a good Life, being present with them in all their Labours, and assisting them to humble such proud *Barbarians*, as were left, and furvied the Slaughters of innumerable Thousands of their Companions, and the Destruction of their Cities. He added, that it was needful to relate, how often in the Cold and hard Winter, when Wars are wont to cease, both by Sea and Land; they and he together had defeated those *Almans*, which at other times had been invincible. But that was by no means to be passed over in Silence, that most Blessed Day, which brought in a manner perpetual Liberty to the *Galls*, when near *Argentoratium*, while he ran up and down where the Darts flew the thickest, they by the Strength of their Valour, and Military Experience, when whole Torrents of Enemies, as it were, fell with Violence upon them, either destroyed them with the Sword, or forced them into the River, there to Perish, few of themselves being left, whose Exequies they performed, rather by Praise and Commendation than by Mourning. Having done so many, and so great things, he believed that Posterity (and that through all Nations) would talk of their well-deserving of the Common-wealth, if they would but defend to the utmost, him whom they had advanced to an higher Degree of Majesty, if any thing otherwise than well should happen. And for preserving of good Order, that valiant Men might not go unrewarded, nor Secret Ambition seize upon the Honour that was due to Merit, with their Council, and Approbation, he was resolved that neither any Civil, nor Military Officer, other-wise than as Desert required, should rise to any higher Preferment; but such be disgraced, as should but move in behalf of any that was not deserving. This was much applauded by the ordinary Souldiers; who having for all his Service hitherto received, neither Preferment, nor any other Reward; was encouraged to hope for better things, and testified the same by striking his Lance upon his Target. And now the *Celsæ* and *Petulantæ* intreated for some *Albuaris*, that they might be sent upon some Employments designed them; which he would not grant, and they went away neither offended nor sorry. But in Reference to what *Julian* had accepted, *Amianus* further tells us that he told some of his intimate Friends, how that the Night before he was declared Emperor, something appeared to him, in shape like the Publick *Genius*, and in a chiding manner told him; that formerly, though privately, he had watch'd at his Door, having a great desire to increase his Dignity, and had sometimes gone away, as being rejected; and if now he would not entertain him, the Multitude concurring in their Opinion, he would depart sorrowfully, as one put away; but bid him think seriously of it, that he would dwell no longer with him.

90. Thus merrily went on Matters in *Gall*, when in the mean time the *Eastern* Provinces were in a far different Humour. For there the Cruel *Sapor*, being encouraged by the Advice and Assistance of two Fugitives (*Antoninus*, whom we spake of before, and one *Crangasius*, who had fled to his Wife, that was taken Prisoner in a Castle) burnt still with a vehement desire of Conquering *Mesopotamia*, while *Constantius* was far distant with his Army; and passing over *Tigris*, began his Works, by laying Siege to *Singara*, a City on an Hill of that Name, and near that River. Those that were in it were very Courageous, esteeming it every way very well provided, and upon knowledge of his coming, stood ready to receive him on the Walls. At first he Attacked them with fair words, in which he spent one whole day, to give them time to consider; but that not prevailing, by that time it was light the next Morning, he set up his Bloody Flag, and began the Assault; they as valiantly Defended it, and several days passed in this manner, many being Kill'd and Wounded on both sides; till at last, by a Tryal of many Engines, one Ram did such Execution against a square Tower, that it made a great Breach therein; and though they wrought very industriously to make up the place again; yet the Mortar being Green, and the Stones as yet loose, it again continually Battered down

His Speech to them in Commendation of himself.

Sapor again passeth *Tigris*, and Besieges *Singara*.

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4. down their Work, and at last made such a Passage as gave the *Persians* a large Entrance into the Town; which being taken, a very few were kill'd in the Hurry, and the rest were sent away, by the Command of *Sapor*, to the farthest Parts of *Persia*. The Garrison consisted of two Legions, viz. the *Prima Flavia*, and the *Prima Parthica*, besides numerous Inhabitants, and a Party of Horse, taken in upon the sudden Occasion, who all, with their hands bound behind them, were led away into Captivity, there being none to rescue them. For the greater part of the Army lay, for the Defence of *Nisibis*, at a great distance, and neither in old time could any Relieve *Singara*, when in danger, there was such want of Water in the Country about it; so that though it was at first Built to curb the sudden Motions of the Enemy, yet it brought more Damage than Advantage to the *Romans*, being several times taken, with the Loss of them that kept it. This Town being Razed, *Sapor* very prudently thinned *Nisibis*, remembering how ill he had fared formerly there, but turned to the right hand toward *Besabde* (more anciently called *Phenicia*) a strong Fort placed on an Hill, indifferent high, and bending towards the Banks of *Tigris*, where the Ground was low, and less Defensible, Fortified by a double Work, and Manned by three Legions, viz. the *Secunda Flavia*, the *Secunda Armeniaca*, and *Parthica Secunda*, besides many Archers of the *Zabdicis*; in the Territories of whom, then living in Obedience to the *Roman* Empire, this *Municipium* stood.

91. *Sapor*, after his manner, first Summoning it, advised them to be Prudent, and come forth, and submit to him, the Conquerour of Nations; and a Day and a Night being given them to consider, when this would not do, by that time it was light the next day, he fell with all Violence upon the Walls but found such Resistance, that on the third he, as well as the Besieged, was glad to think of one day's Respite. Now came to him out of the Town the Bishop of that *Diecese*, who, by all the Rhetorick he had, could not persuade him to Raise his Siege; but on the contrary, rather the more encouraged, he swore he would not depart, till he had taken it. A Slander was raised on the Bishop, as if he should discover to him the Weakness of the Town, because afterward he set his Engines to the most rotten Place in all the Wall. But here was again such vigorous Opposition, both by those Engines called *Ballistæ*, and also by the other termed *Scorpions*, whereof the one cast Arrows, and the other Stones; Moreover by the tumbling down of Stones, scalding Pitch, and *Bitumen* by the Hand, that nothing could have prevailed with the *Persians* to persist in the Enterprize, but the violent Resolution of their King, who they knew would be enraged, if the City was not his before Winter. This drove them on without any Regard had to Death, or Torment, which in so diverse Shapes presented themselves to their View; and it happened that one Ram, which was covered with a Raw Hide, so as no Fire could hurt it, creeping by Degrees, battered the Wall with such Violence, that down it fell, and in it's Fall killed many of those within. At this Breach did the *Persians* enter; and now great Slaughter was made on both sides: for the Defendants still fought, and held out, till borne down by Numbers, they fell merely by the Sword of the too powerful Enemy. *Sapor*, overjoyed at the taking of this Place, which was of such Moment for his Design, repaired the Wall, and put in a strong Garrison, well victualled, left the *Romans* learning of what Importance 'twas, should attempt to retake it. Then went he to a Fort called *Urtæ*, very ancient, as imagined to be built by *Alexander* the Great, in the utmost Quarter of *Mesopotamia*, of great Strength, and Inaccessible. This by all Art imaginable he endeavoured to be master of, but neither words of both forts, nor Force prevailing, he broke up his Siege and departed.

And takes in like manner.

But is repelled at *Urtæ*.

*Constantius* prepares against him for the following year.

92. So went Matters betwixt *Tigris* and *Euphrates*, the News whereof were brought to *Constantius*, then lying at *Constantinople*, or thereabout; for thither he was come out of *Myria*, from the Expedition against the *Limigantes*; having in the Month of *October* reached the City of *Nicea* in *Thrace*, as he travelled thither. Being now much concerned about the Progress made by the *Persian* in the *Eastern* Parts, with all Industry he spent the Winter in Preparations for a vigorous Resistance. He raised new Forces; filled up the Vacancies in the Legions; abundantly furnished them with Arms; and for a further Supply, procured as many *Scythians* as he could for Love, or Money. For Conveyance of all these men, and Arms, there must needs be great Need of the *Cursus Publicus*, or Publick Carriage; and therefore about this time we find a Constitution (now part of the Code of *Theodosius* into three several Laws) directed to the *Agentes in Rebus*, out of the Body or Company of whom, as we said, only he would have the *Christi*, or those that managed it to be chosen. Now although *Goths* would have

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Sec. 4. have this Constitution to relate to *Illyricum*, the *Præfatus Prætorio* of which *District*, *Ammianus* tells us, was very careful of getting Provisions; from which *Pastage*, and another cited out of *Victor*, that learned Man proves what *Care Constitution* took to provide for the well Management of this *Curfus*, and for the Ease of the Subject, against the Avarice and insolence of those that managed it. Yet seeing he was now come further Eastward, was moving towards those Provinces which were infested by the *Persian*, and as *Gothofred* himself proves in his *Chronicon* (added to the Chronologie of the Laws) that in *October* he was got as far as *Nice* in *Thrace*; whereas on the last day of *October* this Constitution bears Date, or was proposed; we cannot but conclude it to respect *Thrace* it self, through which the Army, and Arms must pass, and whence, as *Ammianus* writes, he Purposed to march, as soon as Spring should be adult, or, as he means, the Season would permit. But as to the Constitution it self, *Constantin* had been indulgent to the *Agentes in Rebus*, thinking them fittest for this Charge, as we said formerly, and they were often guilty of Insolence, and Rapine; and the rather, because they were Subject to the Jurisdiction properly of the *Magister Officiorum*, who being at a great Distance, when they were in the Provinces about their Business, hope of Impunity made them more bold to commit Disorders. Therefore bad Princes, who intended to make Use of such men

as Spunges, would not have them under the Eye, or Awe of any other, but reserved the Power of animadverting upon them to themselves alone: as *Caracalla* ordered it towards the *Frumentarii*, to whom these *Agentes in Rebus* succeeded: but for Restraintment of all sorts of Crimes, the most effectual Course is, that the Offenders be punishable in those Jurisdictions, where they commit the Faults; and because the Apprehension of present Danger hath greater Force to restrain Enormities; and Escape, which often happens in removal of Prisoners, is prevented; and Satisfaction by a Sight of the Punishment is given to the Country, or Parties injured, who are discouraged from Prosecution by the Toil, and Charge of tedious Journeys. Therefore, in the first Place, *Constantinus* gives Power to the *Præfectus Prætorio* over the *Agentes in Rebus*, and *Curiati* at such time as they are employed about the *Cursus Publicus*; for two years before, he had in general given to the *Præfecti*, and Governours of Provinces, Authority over them; yet they complain'd, and alleged, that the *Præfecti* had nothing to do with them, and that they were punishable only by the *Magister Officiorum*. And he signifies himself to be so far from revoking any Sentence given against them by the *Præfecti*, or any way encouraging them, if they had Recourse to any other Person, that he assures them, he would animadvert upon them with more Severity; wherein he was imitated by some of his Successors; although *Tribonianus* hath minced this Threatning in his *Code*, or that which goes under the Name of *Justinian*.

*L. 3. de Curiat. p. 174.*  
*L. 3. de Curiat. p. 174.*  
*L. 3. Cod. p. 174.*  
*L. 3. Cod. p. 174.*

93. But to prevent Abuses in any Office, or Employment, the securest Course is, to make Choice of Honest and Fit Persons to discharge it; for though Opportunities tempt men, yet the Impressions are made according to the Temper and Inclinations of the Parties. Now at this time, as well otherwise, as from this Law, it is to be observed, that the worst of men, and most covetous aspired after the Office of *Curios*, to have the greater Opportunity to commit Rapine, and Disorder. To prevent such Avarice, and self-seeking, *Constantinus*, in the Second Place ordains; That none be preferred for his Ambition by Suffrage, or Favour, but according to his Courte, and his Merits in Service, by the Judgment of the *Schole*, that is, the Body of the Company; so that (through Knavery) *nothing be kept from the Knowledge of the Prince of all that they had Learnt, or Discovered*. For there were two Things the *Curios* were in those times, employed in, *viz.* the Management of the *Curfus Publicus*, and also that of Intelligence; whereupon they had the Titles of the *Eyes of the Prince*, of *Explorators*, and were said *Curas Reip. agere*, whence they were also called *Curagendarii*. But further; that they might have no Pretence to Burthen the Country, he will have them know what they should demand, and no more; *viz.* for every *Rhedo* one *Solidus*, in such Provinces only, wherein the Country was at the Charge of the *Curfus*; for in some the Country was to be at the Expence, and in others it was managed by Money issued out of the Treasury at this time. And lastly, for to husband well the *Curfus Publicus*; as also, perhaps out of Respect to the High-ways, he tells them; that no Traveller must expect or hope for any more than one of that sort call'd *Clabularie*, or *Angaria*, which was a great Waggon drawn with a Teme of Oxen, for Conveyance of Families, (as we have noted *Julian* to have granted the Use of it to the Souldiers, who were there defined to march into the *East*) it carrying fifteen hundred Pound-weight. Not long after, *viz.* the last day but one of the Year, he gave out another

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**Sect. 4.** Constitution to the Senate of *Constantinople* concerning the *Praetorship*; not in reference to the fitting forth of Games, or Publick Works, which all his former respected; but to Jurisdiction, whereof he names five points, which, because they belong rather to the *Jus Privatum*, than the Politie or Government, are not proper here to be insisted on. But besides this Business of the *Praetorship* by this Constitution (divided now into several parts) he provides that Appeals should lyse out of *Bithynia*, *Paphlagonia*, *Lydia*, the *Hellepont*, the *Mysia*, *Pergicia Sainctis*, *Euboeae*, *Rhodope*, and *Hemimont*, that is, the nine Suburbicarian Provinces, to the *Presēt* of this City. For now, first of all, he removing the *Dumviri*, ordained a *Presēt* of *Constantinople*, in the latter end of this year viz. *Honoratus*, who had been *Presēt* of *Gallz*, and therefore sent this Oration, as it's term'd (or Constituted) to the Senate, for limiting the several Jurisdiccions of him and the *Pretori*. In Name, and other Privileges, *Constantine* had made this his new City equal to *Rome*, but it was not yet like it, as to Government: therefore *Constantius*, his Son, who had a great kindness for it, and perhaps some more, because it was Founded at the same time that he was made *Cesar*, gave it a Single Governour, that in this respect it might be equal with *Rome* and *Alexandria*; and for the more Honour, bestowed on him the Title of *Presēt*, the same that he of old *Rome* enjoyed; for why he should be first *Consularis* of *Byzantium*, when the Laws Extant give him the Title of *Presēt*, there is no Colour, but a Mistake of *Pancirolos*.

94. Some six weeks after the Date of this Law, viz. the day before the *Nones AD. 360.*  
of February of the following Year ; when *Constantinus* himself, the Tenth, and *Constantino*  
*Julian*, the Third time, were Consul; by another Edict he obviated an A. 4. 10. &  
buse, frequently committed in those Times; upon Complaint of *Helpidius*, who *Juliano Cas-*  
was now *Præfēt of the East*, and consequently, had the *Dieceese of Ægypt* with-  
in his District. It was the Custom for the Inferiour sort of People, as Husband-  
men, when they found themselves burthened by Tribute and Impositions, for shel-  
ter to betake themselves to the Protection of Great Men, under whose Wings, or  
in whose Houses, having Refuge, they often escaped Scot-free; not only to the  
great Defrauding of the Treasury, but the loss of their Neighbours, whose Lands ad-  
joynd to theirs, and who were bound to make up the Sum required of the Village;  
if from the true Proprietors it could not be had. But this was not all. From an Ease,  
this Custom grew to be a greater Burthen to these poor Men : for the Great ones,  
whom they chose for their Patrons, would, for greediness of Gain, make their Ends  
and Markets out of their Necessities; and so much, that it often proved their Undo-  
ing, and became a mighty Grievance to Miserable People. Now *Helpidius* observing  
how in *Ægypt* the Publick Revenue rising by Tributes, was hereby Diminished,  
or possibly that quantity of Corn, which of late years had been imposed upon that Fer-  
tile Countrey (as we have already hinted) for the Maintenance of *Constantinople*,  
the raising of which was under his Charge, acquainted *Constantinus*, how the Husband-  
men (Free-holders, not Farmers) sheltered themselves under the Patronage of the  
Great ones of that Countrey ; and particularly under the *Duces* themselves, viz. those  
Now by an Edict directed back to him by way of Answer, to save harmless the Treas-  
ury, and the Neighbours of such as plaid least in sight, he Commands, That such  
Persons as afford such shelter to Obnoxious men, be constrained to pay what was  
due to the Publick from them : and also that the Persons so received be taken ut-  
terly, or separated, from them. And so much doth *Constantinus* to restrain this Custom  
against which, succeeding Emperours did more Severely provide, as we may see here-  
after. Towards the latter end of the same Month of February, he made another Law  
for the Encouragement of *Scholars*; Oraining, That none should be admitted into  
the Chiefest Place of any *Decuria* in *Rome*, except he was well seen in the Liberal  
Studies, and in Eloquence. And for this purpose he will have *Julian*, the *Præfēt* of  
that City, to whom he gives the Title of *Sublimitas* ( who was, as the Head of  
the People and Senate of *Rome*, so also chief Commander of the *Decuria* ) to pre-  
sent the Names of such Persons to Himself, that he might have the Preferring of  
them. Now by *Decurie* are meant certain Companies or Bodies of Men, who were  
Employed in Matters relating to the Consultations and Decrees of the Senate,  
whom the chief Scribes were in great Repute. For they framed the Acts and De-  
crees; and to them the Publick Records were of old committed; so that being skill-  
ful in the Laws, they were Assistent, and gave Directions to the Magistrates in the Man-  
agement of their Offices.

95. In the mean time, *Julian*, still lying at *Paris*, had his Thoughts at work for he could not but imagine how well the News of his late Prefarment would





Sect. 4. habiting beyond the Danube, or Ister. ( for these two are the same River, though farther off called *Ister*, and near to the Sea, *Danubius* ) how he Conquered them, made many of their Kings submit, and receive Conditions ; caused them to remove into other places ; And a man of ordinary Understanding would think and say, that for several years thus Harassing their Country, and lying so long in *Pannonia*, at *Sirmium*, or other Places to watch them, it was He that Curbed them, and the Awe of Him that Refrained them, and kept them within their Bounds ; so as he was the more Encouraged to undertake an Expedition against the *Persians*. No ; *Zosimus* will better inform you. It was *Julian*, even *Julian*, that they were afraid of. Why ? was he near them ? No. But these *Barbarians* inhabiting beyond *Ister*, out of Fear that he should press through *Gall*, and come over the River, and sit upon them, contained themselves within the Bounds of Modesty. Upon this Account he tells you it was, that all *Italy*, nay *Illyricum* it self, nigh to *Constantius* his Quarters were out of Danger. Thus must we argue if we admit of the Opinion, Chronologie, and Order of things given us by *Zosimus* ; who tells us also further News, viz. of *Julian*'s rare Success, not only amongst the *Celte* but the *Spaniards* too, and how herewith *Constantius* was nettled, and calk in his mind how to pull him down. And News this is indeed, for in that Account we have from *Ammianus*, he tells us all the Journeys of *Julian*, to what Places he still marched ; where he fought, and where he quartered in Winter ; whereby it's evident that he could not, since the time of his being *Cesar*, step into *Spain*, except *Spain* leapt over the *Pyreneans* into *Gall*, and the River *Iberus* ran through the Ocean into the *Rhine*, near to which his Business chiefly lay against the *Germans*. But it was almost as easie for this Historian, by his *Magical Geography*, to transport *Spain* into *Gall*, as he doth the City of *Paris* into *Germany*. And who ever would have thought, that what he wrote could have travelled so far Weltward ? He wrote about *Constantinople* of things far distant, both in Place and Time. Then, and there it was Manners to believe him ; and though in respect of Time and Place both, by comparing other Writers, he might come to be discovered, yet few would be at the Trouble ; however, as to the Places, there was Hope they would rather believe him, than go and see.

Julian falls upon the Franks call'd *Atthuarii*.

Reduces, with them, the *Rauraci* into order.

Constantius courts *Araces* King of *Armenia*.

Marches Eastward.

A. D.

360.

Kal' Trajan

trava, tal' In

lupul' abdu-

qu' *Araces*

ta, tal' In

lupul' abdu-

qu' *Araces*

ta, tal' In

lupul' abdu-

qu' *Araces*

ta, tal' In

lupul' abdu-

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Sect. 4. 102. Being come near the Walls, and beholding the great quantity of Ashes that lay about them, he both Sighed and Wept ; considering what Slaughter of men had been made before, and in that City. And it happened that *Ursulus*, who at this time had Charge of the Treasury, being present, fell into a Great Exclamation, though upon another Account. Behold, such he, *hop* Courageously Cities are Defended by the Souldier, whom the Wealth of the whole Empire is scarcely able to pay his Wages. Which Speech being afterwards remembered by these Forces at Chalcodon, it cost him his Life. Thence did *Constantius* with a great Army march to *Bezanbe* ; before which, having encamped himself, he understood that the place was much more Fortified than it had been in times past. He sent and offered to the Garrison, either free leave to depart to their own Countreys, or else to Accept of kind Entertainment in the Empire ; but they looked upon themselves as too high born, and esteemed it unworthy of their Quality to accept of his Offers, and addressed themselves to a vigorous Resistance ; which they performed with that height of Resolution and Constancy, that after several Attempts made to no Purpose, the Beseigers despaired of Success, and were much dejected. On the tenth day of the Siege, a greater Ram than ordinary was moved to the Walls, which struck Terror into those that were within ; but they so much Disabled it, partly by casting down Pitch upon them that wrought at it, and by several Sallies they made ; that though they were forced still in again, yet did they burn at length all the rest, that endangered the Wall, and this great one was saved, and drawn off, so as it was half consumed. This made the Beseigers betake themselves to the Mounts they had raised at more distance, on each of which were planted two *Balists* ; and now they brought their Scaling Ladders, and all other Materials, for the most effectual Attacque that could be made : The Defendants perceived they were now in the greatest danger their condition could cast them into ; and therefore, not regarding Life, out they issue at a Postern ; some with their Swords, and others following them, carrying Fire, who with it did such Execution, and so Pertinacious they continued, that it much disturbed *Constantius*, not knowing what course to take. For, on the one side, it grieved him to think of Quitting this Place, both for his own Reputation, and for that it lay so convenient for the *Persians*, for Annoying of the Adjacent Countrey ; but on the other side, Winter came on, and his men were utterly discouraged ; which Inconveniences seemed greatest in his opinion, and moved him to break up his Siege, and return to *Antioch*, after having spent the Summer with so much Detriment to his Affairs. But this *Persian* War was ever Fatal to him, when he Managed it in Person, which caused him, now and then, to prosecute it by his Captains, and that, sometimes, with no ill Success.

Is constrained to raise his Siege, and returns to *Antioch*.

103. By it the Empire was not only Exhausted of Men, but the Provinces burdened with the payment of the *Lustris Collatio*, which was added to the Publick Military payment, by reason of the extraordinary Charge, which the necessity of the Times required, without the Fault of the Emperor, who made no other Defence than what he was bound to make, for the Preservation of his Territories against the Insolence of the *Persians* ; and when in the Field, omitted not what was incumbent upon him in relation to his Place. For the Souldiers fought under his Eye, as *Ammianus* tells us, though faintly enough any thing tending to the Reputation of his Master, to whom he belonged as Domestick Protector. When the Army came to be Dispersed into its Winter-Quarters, it seems the number of the Sick, or Maimed Souldiers, was so great, that the *Curios Publicus* was much burdened with the Conveyance of them. And therefore, when they took too great liberty in Pressing the Waggon, he Directed an Edict to *Helpidius, Prefectus Pretorio of the East*, Dated on the Sixteenth of November, in the fourth Indiction, whereby he Prohibits any one to make Use of above two Waggon (called *Angarie* and *Clabule*) in his way home, and each of which was to be drawn by four Oxen only, and this, but in case of his being sick. Now although in this Law there be no express mention of Souldiers, yet must I take leave to Dissent to far from *Gothofred*, as to think Them Principally Concerned in it ; however, I deny not, but the Use of Waggon was granted to others besides Them. But if we consider the Time, and the Circumstances thereof, when there must necessarily be, after so Dangerous an Expedition, so Tedious a Journey, and in that Season of the Year, so many Sick and Wounded Men amongst so Numerous Forces, how can we imagine, but there must be very great need of Carriages, for Removal of them ; not to speak of that Hurry which must necessarily follow the Separating of an Army, the Conveyance of Arms and Baggage ? Therefore, as History brings the greatest Light to Laws, and Laws afford the greatest Certainty to History ; we cannot but

L. 11. de Lustris Collatio. 16. Angarie. 16. Clabule. 16. Oxen. 16. Sick. 16. Wounded. 16. Men. 16. Forces. 16. Hurry. 16. Separating. 16. Army. 16. Conveyance. 16. Arms. 16. Baggage. 16. History. 16. Certainty. 16. History. 16. We cannot but.

L. 11. de Lustris Collatio. 16. Angarie. 16. Clabule. 16. Oxen. 16. Sick. 16. Wounded. 16. Men. 16. Forces. 16. Hurry. 16. Separating. 16. Army. 16. Conveyance. 16. Arms. 16. Baggage. 16. History. 16. Certainty. 16. History. 16. We cannot but.









Sect. 4.

Boat to *Bononia*, a Place distant nineteen Miles from *Sirmium*, dispatched away *Dagalaiphus* with a choise Party of men in the Night (which now was dark, the Moon being in her last Quarter) with Orders to bring him away to him by Force, if he made Resistance. Being surprized in Bed by a Company of Strangers, upon Mention made of *Julian*, as Emperour, he conceived what they meant, and submitted to them, though very unwillingly; and then being set on an Horse that came next to Hand, but just before swelling with the Dignity and Command of *Magister Militum*, was presented to *Julian*, as some mean Prisoner, being scarcely able to recollect himself in so great a Surprize and Terror. But when he saw the Purple offered him to kiss, he took Heart, and giving him the Title of Emperour, told him, he was not well advised, with so small Forces to trust himself in strange Countries; to which the Usurper replied bitterly, that he should keep this prudent Advice for *Constantius*; being admitted to this Favour of the Purple, not as a Councillor, but that he might be put out of his Fear.

He comes to *Sirmium*, having surprized *Zosimus*, who Commanded the Forces there.

Falls foul upon *Constantius* and the Memory of his Uncle.

Two Legions and a Cohort of Archers seize on *Aquileia*.

In the Name of *Constantius*.

110. But he was so far apprehensive, as to understand there was great Need of using Speed in what he was about, the better to supply the other Disadvantage; and away he hasted to *Sirmium*, to which as he approached, multitude of all Sorts came out, as well Souldiers as others, to receive him; and with Lights, Flowers, Lucky Acclamations, and the Titles of *Augustus* and *Lord*, brought him to the Palace. He was much encouraged with so prosperous a Beginning, as that which promised greater things; and hoped, that moved by the Example of this so populous and famous a City, the rest would be induced to submit. The day following he pleased the People by the *Curule-Games*; and on the third, being impatient of further Delay, he took in *Succi*, a Place famous for its Situation betwixt the Mountains *Hemus* and *Rhodope*, whereof the one fifteth from the Banks of *Ister*, and the other from the hithermost side of the River *Axius*. Having placed *Nevita* Governor here, he returned to *Nessus*, a Town of good Note, there to take further Order for his Affairs. Having met at *Sirmium* with one *Victor*, an eminent *Historiographer*, he preferred him to be *Consularis of Pannonia Secunda*, and honoured him, for his Learning and Sobriety, with a Statue of Brass; who, a good while after, rose to be *Prefect* of the City. Now bearing himself more high than ever, and concluding that *Constantius* would never be brought to any agreement, he wrote to the *Senate*, a bitter invective against him, wherein he ripped up his Faults, and laboured to bring him in Disgrace with that sort of men. And now he took Confidence further to fall foul upon the Memory of *Constantine*, his Uncle, whom, like a *Pagan*, he traduced as an Innovator and Disturber of the ancient Laws and Customs. He openly accused him, as being the first that preferred *Barbarians* to the Dignity of the *Consulship*. But of this he accused him (*Ammianus*, though his good Friend, tells us) both absurdly, and without Consideration. For whereas he should have himself thumbed raw, and levelled what he reprehended in others; within a little while he advanced to be *Consul*, once more.

Insults himself, and levelled what he reprehended in others.

See *Plin.*, *Mac Spaldore*, *Mac Afio*, *Mac Glaria*, *Mac Curian*, *Mac Julian*, *Mac Galus*, *Mac Agrippa*, *Mac Valerius*, *Mac Amplius*, *Mac Constantinus*, *Mac Constantine*.

111. While he pleas'd himself in driving on his Designs after this sort, he received a Message, which a little interrupted the Contentment he took, in the Consideration of his own Wisdom, and other Endowments. Two of *Constantius* his Legions, and a Cohort of Archers, which he found at *Sirmium*, he had sent away for *Gall*, upon a pretence of publick Necessity, but indeed because he could not trust them. These marching slowly, and being utterly out of Humour, upon thoughts of the great way they had to march, and the Fierceness of the *Germani*, to which they must be exposed, fell to mutiny, at the Insigation of one *Nigrinus*, a Tribune of Horse, and born in *Mesopotamia*; and yet they carried the matter very close, till they came to *Aquileia*; but there shewed their Inclinations, seizing on that City, which for it's Situation, Wealth, and the Strength of it's Walls was very considerable; and the Inhabitants, to whom the Name of *Constantius* was very grateful, readily assisted them, so that they fortified the Place all the ways they could, and preparing for Resistance of any Violence which should be offered them; further exciting the Provincials of *Italy*, to follow their Example in standing up for their Emperour as not yet dead, though his Kinsman had made bold already with his Shoes. *Julian* still lying at *Nessus*, having not in the least feared any Enemy at his Back, and hearing this City to have been often attacked, but never demolished, nor so much as yielded, was resolved to omit nothing of Fraud or Flattery, to draw

See *Superstition*.

Sect. 4.

draw it over to him, before any greater Mischiefe should follow. Therefore he ordered *Jovinus*, the *Magister Equitum*, who over the *Alps* was come into *Noricum*, to return with all Speed thither; and that there might be a sufficient Supply of men, he commanded all the Troops that came that way, in their March Eastward, there to be stopp'd. Not long after it was, that he received the welcome News of *Constantius* his Death, and thereupon passing through *Thrace*, he removed to *Constantinople*; and being often told, that what had happened at *Aquileia*, was not much new to be fear'd; he removed *Jovinus* from that Service, to another, he thought more proper; and ordered *Immo* with other Captains to perform it in his Room. Now was Siege laid to *Aquileia*, which it was in Council resolv'd should first be summoned, but the Garrison was too obstinate to be won with fair Words, or Threats either. Hereupon they endeavoured to undermine the Wall, and vigorously attacked the City; but at this first Onset were beaten off, and foiled. This not Succeeding, and there being none found skilful enough to manage Rams, or other Engines of Battery, they betook themselves to this Device, of planting wooden Towers upon Boats, joyn'd together, which lay on the River *Natisio*, running by the City, which being higher than the Fortifications of the Town, they hoped that thence with their missile Weapons, they should do great Execution; and besides the Men they placed on the Top, others they bestowed within the Body of these Towers; who issuing forth, as they saw Occasion, by the Bridges they made for this Purpose, might easily Land, and while the Defendants were diverted by them above, attacke and scale the Walls; but the Device, though comparable to those of the Ancients, in the Opinion of *Ammianus*, could not take any Effect, by Reason that the Besieged so plied these Towers with Fire and Combustible Matter, that they disabled the Engines, killed those that stood on the Top of them, for the most Part, and caused the other below to shift for themselves; but most Perish'd by the great Stones cast upon them.

Which fails as his men besiege.

Where they find notable Opposition.

The Defendants holding out, till frustrated that *Constantius* was dead.

112. This done, they gave themselves to rest on both sides, for some time; but afterwards, though the Besiegers had most Reason to be discouraged, yet renewed they the Assault. Some made their Approaches with their Targets on their Heads, others carried scaling Ladders on their Shoulders, and hasted to come to the Walls, which e're they could do, many of them miscarried in the Showers of Arrows that flew from the Town. Some laboured to break in Pieces the Iron Hinges of the Gates, and were either scalded by burning Pitch, or knocked on the head with Stones; and others, endeavouring to pass the Trenches, were killed, or wounded by such as fellied out through the Posterns, to whom the Line drawn before the Walls, gave good Convenience, both for lying in Ambush, and safe Retreat. Though the Defendants excelled them in the Arts of War; yet did the Besiegers, who were men chosen out of many Companies for this Purpose, siet exceedingly, that they should be so long about their Work; and often coasted the Town, to see if any Force or Device would prevail. But at length they were convinced, that the Difficulties were such, as they were not able to overcome, and therefore they began to slacken their Siege, and wast the adjacent Countrey. Yet they thought they might, by want of Water, bring them to such Extremity as to force them to yield. And for that Purpose they first cut all the *Aqueducts*; that served the City, which not having that Effect they imagined, by great Labour they drew the River away from the Walls, though still to little Purpose; for they within contented themselves with the Water they found in Wells, and lived very sparingly, as resolv'd to hold out. And so long they held, till *Agile*, the *Magister Peditum*, was sent by *Julian* from *Constantinople* to acquaint them with the Death of *Constantius*. At first they would not believe, but rejected him with reproachful Words; but upon Promise of Safety, being alone permitted to approach the City; he so far satisfied them, that they opened their Gates, came out, and received him; and purging themselves, laid all the Blame upon *Nigrinus*, whom with a few others they delivered up; desiring that by the Punishment of them, might be expiated the Crime of High Treason. A few days after by *Mamertinus*, the *Magister Pretorio*, who late as Judge, *Nigrinus*, as the Author of this War, was sentenced to be burnt alive; which was executed upon him for his Gallant Fidelity to his Prince, which they called Treason against him he cou'd an Usurper. After him *Romulus* and *Sabastus*, two *Curiales*, or *Decuriones*, of the Town, were for having been great Actors against *Julian*'s Party, put also to Death; and all the rest were pardoned; for so *Ammianus* tells us, it pleased the mild and gentle Emperour to ordain in *Equity*, in their Behalf, whom Necessity, and not any Design, had thrust forward into the Danger. But it seems he would not trust *Nigrinus*, nor have any Respect to his Fidelity and Constancy, although gal-

Sec. 4. gallant Princes have been wont to admire and love those whom they found faithful to their Masters, to whom they were bound by the Ties, either of an Oath, or Confidence; and when once advanced into the Place of the deceased, have found themselves obliged, rather to despise those, who formerly neglected the setting Sun, and adored the Rising, because now the Cafe was altered, and become their own.

Julian in great Fear of himself.

How he laboured to secure his Interest.

Constantius manageth his Matters in Mesopotamia as prudently as they would bear.

Receives the News of Julian's Practices in Italy, and other Western Countries.

113. But these things happened some time after. We must see the Setting of *Constantius*, and the Mounting of *Julian*, who seemed but a Meteor, in that he arose before the other was down; and after he had alone appeared in another Colour, again suddenly vanished. While *Julian* still lay at *Nessus*, he was extremely perplexed with various Cares and Fears. He expected to hear, that the Garrison at *Aquileia* had broken forth, and drawn the Provinces of the *Julian Alps* from their Obedience to him. He also stood much in fear of the *Eastern Armies*, being told, that the Forces dispersed through *Thrace*, to give him a Stop, were drawing down under Command of *Narcotianus*, a Comes, towards the Straights of *Succi*. To obviate these Difficulties, he gathered together the Army of *Illyricum*, which was well-disciplin'd, and heartened by Success; and to gain the Affections of the People, refused not to receive the Complaints of Private Persons, spending some time in Hearing their Causes; but especially he endeavoured to purchase the Favour of the Corporations, and that Unjustly, by Condemning many Persons to Publick Servitude. Two Senators of good Note he much courted, viz. *Symmachus* and *Maximus*, who were lately returned from a Message they were sent on to *Constantius*, and passing by the better, he promoted the latter to be *Præfatus Prætorio of Rome*, in the place of *Tertullus*, and that for the sake of *Rufinus Vulcatius*, whose Sister's Son he was: And he ordered his Affairs so well, in reference to Provisions, that the People, which was wont to be very Tumultuous, made little or no stir during his Government. Further to Secure the Fidelity of those who now pretended Fair to him, he designed *Consul Mamertinus*, the *Præfatus Prætorio of Illyricum*, and *Nevisia*, who had lately wonderfully pleas'd him, by Railing upon *Constantine*, as the first Prince that had Promoted Barbarians. While thus betwixt Hope and Fear he Ordered his Matters as well as he could at *Nessus*, *Constantius*, still lying at *Edessa*, was often Disturbed by the Reports which his Scouts brought to *Pilatus* about him, and thereupon was very doubtful what to do, whether to Fight the *Persians*, as *Storin* immediately proposed, or with double Force Attack *Bisacade*. And though his Inclinations were to move Westward, yet it troubled him to think of leaving *Mesopotamia* Exposed to the Violence of the Enemy. For the *Persian* King hover'd beyond *Tigris*, which, if he pass'd, and found none to Resist him, he might easily cross *Euphrates* also, and do further Mischief to the Adjacent Provinces. However, *Constantius*, purposing to preserve his Army as intire as he could, for a Civil War, was Resolved not to make Havock of his Men by thrusting them upon Destruction in Attacking the *Persian* Garrisons, which he found by Experience to be strongly Fortified; but, lest he should be blamed for Negligence or Cowardise, he gave order to *Arbetio*, *Agile*, and other Officers of Hoise, to Fortifie, as well as they could, the Banks of *Tigris*, and, observing the King's Motions, to retire\*, in case he should venture over. They received Intelligence by their Spies at *Concilium* and some Fugitives, but such as was altogether Repugnant to it self, and contradi-  
tory: for the *Persians*, of all men, kept their Councils the most secret, which were communicated to none, but some of the most close and Trusty among their Nobility; and of Divulging any thing they were so cautious, that they Worshipp'd *Serapion* as a Deity. For this, or other Reasons, the Officers ordered to the Borders *Julianus*, *valde* were so Distrustful of themselves, that they often sent for the Emperour, Protesting that with all the Force they could make, if the King should come, they could not be able to make Head against him.

114. Though of the *Persian* King nothing could certainly be known out of the East, yet from the West now came News certain enough, that *Julian* had over-run *Italy* and *Illyricum*; and having Secured the Straights of *Succi*, there staid for the meeting of greater Forces, wherewith he was resolved to Invade *Thrace*. Hereat *Constantius* was very Melancholick, and his Grief would only admit of Ease from this Consideration, that he had ever been Happy in suppressing Usurpers. He thought it the safest Course, by degrees to send away the Souldiers in the Publick Carriages, that they might be ready to make timely Resistance; for which as he was preparing, word was brought the next morning, that the *Persian* King, for certain, was returned Home; upon which good News, he took all away, but such as of course were left to the Defence of *Mesopotamia*, and departed to *Hierapolis*. Here, consi-

A.D. 361.

injust places  
militis aditu-

Qui nuper ex  
primis augu-  
stis barbarie  
Piliatus au-  
him, et thereupon  
was very doubtful  
what to do, whether  
to Fight the Persians,  
as Storin immedi-  
ately proposed, or  
with double Force  
Attack Bisacade.

Consilium Lau-  
das Libanus  
in Augustinus  
affertur Con-  
stantius sed in  
erat. Paulus  
illud idem re-  
prehendit.  
de Natus Pile-  
bus in Lectura.

Sec. 4. dering the Danger he was to undergo, he cauled all his Army to draw up in the Camps; and to animate them, from a lofty Tribunal, with a serene and pleasant Countenance, made a Speech to them. He told them, "That being ever solicitous to carry himself, both in Word and Deed as comported with Honesty, and as a prudent Pilot, having Steered, according as he found the Wind and Weather to require; he was now constrain'd to confess some Errors before them, or rather accuse himself, as guilty of too much Humanity, which he thought would have conduced to the publick Good. He advanced *Galus*, his Cousin-German to the Dignity of *Cæsar*, and sent him to the Defence of the East, at such time as *Magnentius* had made Disturbance in the Western Parts, whom their Valour at length suppress'd; but he (*Galus*) declining from all the Tracks of Justice and Moderation, committed many Enormities no way fit to be related, and had received such Punishment as he had deserved. And he with'd, that his Mistortune would therewith have satisfied it self; but now had followed a Mischief greater than all that was past. For *Julian*, whom he had appointed to Watch for the Defence of *Gall*, against the Invasions of the Germans, while he himself was imbroil'd in the Motions of the Nations bordering upon *Illyricum*, madly puffed up by the Success of some slight Engagements with an half-naked Enemy, having cajoled an inconsiderable Number of men, fierce, and desperate for any pernicious Design; had set up for himself, and entered into Rebellion against the Commonwealth, contrary to Justice, which had ever been both the Parent and Nurse of the Roman Empire. It must be therefore their Part, to crush so monstrous a Design in the Beginning, before it should grow to any Maturity. Neither was it to be doubted, but that God himself would be assisting to their Endeavours, by whose Sentence ungrateful Persons are ever condemned; so that their Swords should be turned upon themselves to their Destruction; who without any Provocation, but on the contrary many ways obliged, had entered into a Course pernicious to such as were Innocent; and he concluded, that he was of the Opinion, nay very confident, that if once they came to engage, they would be so overpower'd with Fears, that they would neither be able to look them in the Face, nor endure the Noise of their Shouting to Battel.

Sends some Forces against him.

He comes to Antioch.

115. His Harangue had that Operation upon the Souldiers, which he desired; for, consenting fully to what he required; of Anger, they made the usual Sign with their Lances, and desired to be led away against the Rebel. Herewith exceedingly encouraged, he sent away *Arbetio*, whom he had found very lucky in the Suppression of civil Broils, with the *Lancearii*, the *Martarii*, and the rest of the Light-Armed, and *Goamarus* with the *Levi* toward the Straights of *Succi*, knowing him to bear ill Will to *Julian*, for being disgraced by him in *Gall*. But now did his Fortune, in the Opinion of our Historian, clearly preface his End to be near. For he was often frighted in his Sleep, and dreamt, that his Father put a beautiful Child into his Lap, which dashed, and cast to the Ground, the Globe or Sphere that he bore in his Right Hand. Now *Ammianus* tells us, that this did signify a Change of Times, though his Flatterers made him believe other things; but if this beautiful Child was that *Julian*, who, if any, was set in his Lap, when he made him *Cæsar* (upon his Father's Account, he being *Constantine's* Brother's Son) this Babe of Grace was but little grateful to his Uncles Memory. But *Constantius*, he saith, confessed to his most close Attendants, that now he ceased to see any Apparition, as one forsaken; but sometimes he beheld it in a more ugly Shape, and this was thought to be the *Genius* appointed to his Safe-keeping, which now had quitted him, as one about to leave the World: For as much as Divines, He adds, do report, that all men, as soon as born, have some Deities allotted them, to govern their Actions; (the Stability of Fate always preserved) but seen by very few, as these alone, whom their manifold Virtues render famous; so that by this Doctrine *Constantius*, who was wont formerly to seem to see his *Genius*, was a man Famous for his Virtues. However, he was not so far discouraged, but being come with Speed to *Antioch*, he halted thence with all Alacrity, as he was ever wont, when he went about to chastise Rebellions; at which though many murmured, yet durst none speak openly against it. Marching thence, when Autumn now declined, as he came to a Place called *Elippocephalus*, three Miles distant from that City; he was presented with the Spectacle of a dead man, having the Head cut from the Shoulders, lying on his Right hand toward the West, wherewith being struck, as apprehending it ominous, he went forward, and came to *Tarzus*. Here he was seized with a gentle Fever; but believing that Motion and Exercise might do him Good, he resolved to proceed in his Expedition, and through difficult ways reached *Mopvestia*, Situate

Quæ multiplex  
est causæ viti-  
tatis.

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Sect. 4. Situate at the Foot of the Mountain *Taurus*, and the last Station of *Cilicia* on that Road. Hence he had also determined to move, on the following day; but was detained by the Force of his Dis ease; which by Degrees, was grown to that Height, that he burnt like Fire, and could for Heat scarcely be touched. All means used for his Recovery proving unsuccessful, he bewailed his End; and having, as the Report went, named *Julian* his Successor, at last, after long struggling with Death, he departed this Life. Such was the End of *Constantius*, at *Mopsus*, or *Mopserena* on the fifth of *October*, as writes *Ambianus*, or rather on the third of the *Ides of November*, as some date it, in the thirty eighth year of his Reign, and the forty fourth of his Age, in the Consulship of *Taurus* and *Florentinus* A.D. CCCLXI.

Proceeding,  
dies at Mop-  
sus in Cilicia.

Lives made by  
him in his last  
year.

His great kind-  
ness to *Themi-  
stius* the Phil-  
osopher.

116. Before we had brought *Constantius* to his End, we should have taken a view of the Laws he made in the last year of his Reign; but that it would have broken the Series of those Actions which he prosecuted in order to his marching Westward, and therefore we referred it hither, where something more ought to be spoken of his Character. And in order to this, we may first call to mind what we have already observed; That he was very Studious to Preserve and Increase the Dignity and Privileges of *Senators*. To this end, principally, he Directed his Fifth Oration, or Constitution, to the Senate of *Constantinople*, distinguished at present into Nine several Laws, according to the several parts of which it consists; bearing Date on that third day of *May* which preceded his Death, from *Gephyria*, a City of *Syria*, distant two and twenty Miles from *Antioch*. The first Direction it gives, is, L. 12. de Prae-  
toribus & Qu-  
estoribus, Cod.  
Juris, Cod.  
Th.  
For the better Election of *Prætors*, concerning which he had formerly made several Laws; as we have already seen. But now further He Ordains, That at the making of the *Senatusconsultum* (for the Choice, as we shewed before, he left wholly to the Senate, which must consist at least of thirty Persons) should be present Ten of the Principal *Senators*, or those they called *Summates*, viz. such as had been or-  
dinary *Consuls*, had born the Dignity of *Præfects*, *Proconsuls*, and *Prætors*; and, what is more to be taken notice of, *Themistius* the Philosopher, he will have in particu-  
lar to be there. This Person Flourished at this time, with great Reputation for Learning, which appeared herein, as well as otherwise, that with excellent Com-  
mentaries he Illustrated the Works of *Aristotle*. *Constantius*, to Encourage Learning, and reward to Deserving a Man, for whom he had Extraordinary Kindness, had, almost six years before, by a peculiar Oration (to these Imperial Constitutions Di-  
rected to the Senate, are termed) Promoted him to the Dignity of *Senator*; and now, to do him still Greater Honour, will not have any chosen *Prætors* without his Presence and Assistance at the Election, amongst these *Summates* or *Proceres*, the Persons of the Highest Quality; and that further, with this Elogium of him, as a Learned Man, That his Learning Ennobled his Dignity of *Senator*. But fur-  
ther, as to the making of the *Senatusconsultum*, he will have them give their Voices in order, and not by the way of Exclamation, or Acclamation, to what was said by the first that spake; when they all cried together *Ixa*, or *Nay*, or went out to shew their Opinions; as was usual then, and now continues to be the Cu-  
tom in cases of smaller consequence in Publick Assemblies of that nature. And if any *Prætor* died in his Office before he had Celebrated the usual Games, he En-  
acted, That after the same, one be chosen to succeed him, as should in course have been *Prætor* the following year.

He provides for the Pub-  
lick Buildings of  
Constantinople.

117. The second Head, or Segment of *Constantine* his Oration, hath relation to the Publick Works of the City of *Constantinople*, for which, by occasion of the *Præ-  
torship* he Amply provides. For, in the first place, whereas all the five *Prætors*, which in his time we have laid to have been in this City, were obliged to be at the Expence of Publick Games, or *Festines*; he very laudably changes the Custom, Ordaining, That, for the time to come, only Three of them be at this kind of Expence, and that the other two, in room thereof, contribute a Sum of Money to the Publick Fabricks, or Works of the City; and to each he limits the Expence, requiring, that he who bore the Title of *Prætor Constantinianus*, should pay one thousand Pounds of Silver, and the other called *Flavialis*, five hundred. But, in case any of them should be constrain'd to be Absent, by reason of Sicknes, Age, or the like; then he Ordains, That they send their *Procurator* to the *Consules*, or Officers of the *Præfect* of the City, with the Sum of Money which they were obliged to expend; and which *Consules* were to see the Works carried on and Finished; yet so as the Names of the *Prætors* were to be set upon them: But in case any wilfully and contumaciously Absented himself, then, as a *Mulct*, he Ordains, He shall pay half as much more as his share came to; which *Mulct* shall be L.

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Sect. 4. Levied by the Governours of the Provinces, after Warning received from the *Præfect*, into whose Office they were to pay it, whence it should be laid out in some Publick Work, whereon the Name of the Contumacious *Prætor* was not to be set: and in case Money could not be had, the Governours were to proceed by way of Distress, which also was to be brought into the Office of the *Præfect*. Now the Ordinary Judges or Governours of Provinces are commanded to take this Pains, for that by other Laws it was incumbent upon them, to find out such *Prætors* as sulked or concealed themselves, and to force them into the City, there to Discharge their Duties. And if those Judges failed therein, they were also Finable for their Omision, and the Fine was, in like manner, to be Employed upon Publick Works; being Levied and Expended by the Officers of the City's *Præfect*, the Dignity of whom, *Constantius* hereby Advances, as he himself Declares his Intention to be, who but two years before had given Beginning to the *Præfect* himself. And very much indeed his Authority, and consequently his Dignity, was hereby Advanced; he having Power to send his Officers through all the Provinces of the Eastern Empire, to Levy this *Mulct* inflicted upon the Governours; Besides that great Privilege he granted to the Senate, and consequently to him, who was Head of it, that Appeals should lye to them out of *Bitynia*, *Paphlagonia*, *Lydia*, the *Hellestus*, the *Islands*, *Phrygia*, *Sabaria*, and other Parts, by another Law. From the great Care of Publick Works he here manifests, it's probably concluded that at this time there were some Notable Buildings he had in hand; as possibly, the *Baths*, *Aqueducts*, and *Forum Regium*, which some mention to have been raised by him. The Desire of carrying on these Works in this his City, as he calls it, was so great, that whereas formerly he had absolutely refused to give leave to such as had been *Vicars*, to Excuse themselves from the *Prætorship*; now he is content they be Excused, provided they bring to the Bank, or Chamber, of *Constantinople*, so much Money, as the two *Prætors*, lately mentioned, were obliged to pay toward the Works.

His Indul-  
gence to *Ste-  
nators*.

118. But further, as to the Privileges of his *Senators*, for so he terms them, he Ordains; That they be freed from the Burthen of the *Metatuo*, so as without their consent none should Lodge or Quarter in their Houses; a Privilege which afterward would not be permitted them, and therefore this Law, or branch of this Oration, is not put into *Justinian's* Code. And whereas they were wont to be Sued by the Treasury, when Husbandmen fled and absented themselves, he Commands, That if they received no Profit from the Lands of such Husbandmen, they should not be obliged to pay for such Fugitives. Now this *Gothofred* Expounds to be meant of some small Lands which their *Coloni* or Husbandmen had of their own, besides those of their Lord's, which they Tilled; but I see no reason why we may not understand it of those who plaid least in fight, and betook themselves to the shelter of Great men, when a Tax came out, and therefore their next Neighbours were bound to make up the Sum Imposted, as formerly hath been shewed, from which Burthen he will have his *Senators* Excused. It was a Custom, that when there was any danger of Famine, as in this City of *Constantinople*, or great want of Corn, or Provisions for War, or upon any other urgent occasion, the Provincials were bound, at a Market-price, to find, and Sequester Corn for Publick Uses, from which very few were Excused; but *Constantius* bestows this Immunity upon the *Prætors*, or *Stewards* of *Senators* throughout the Provinces. As to the Payment called *Lustralis Collatio*, of which we have already spoken, to which Merchants, or such as Trafficked with Wares, or with Money, were principally and especially obnoxious; he declares, by another part of this Oration, That the Rusticks, or Husbandmen of *Senators*, who only sell the Growth of the Lands they till, are not to be Comprized amongst such men, or taken for such; there being indeed two Contracts required to make a Merchant or Trafficker; the one, of buying first a Commodity, and the next, of selling it again for Profit or Advantage. Further, at this time, it being lawful for the Governours of Provinces to raise within their Jurisdictions certain publick Works, as of *Baths* or the like, when and where they thought fit, without consulting the Prince or the *Præfectus Prætorio* (which yet afterwards was forbidden) they were wont to cels the Estates of *Senators* amongst others. But this *Constantius* in another Part of his Oration forbids; and for that there were throughout the Provinces, certain *Senators* impowered to look to, and preserve the Privileges of those of that Order within their Districts, (in like manner as the common People had also their *Defensores*, the Church it's *Protectores*, and the Poor their *Overseers*) he impowers them to make, constant Opposition against the incroachment on their Immunities; which if they, being of so

Justinian's  
L. 1. de Men-  
tis, Cod. Th.  
lib. 7. tit. 6.

L. 7. de Aduoca-  
to Tribu-  
tis, Cod. Th.  
lib. 1. Cod.  
Justinian.

publica com-  
pensis vana-  
tor & Synecus-  
L. 1. de publica  
ment calli-  
Collatio, Cod.  
Th. lib. 11.  
tit. 15.  
L. 7. de Cella-  
ris, de Dignita-  
tis, Cod. Th.  
lib. 1. de Cella-  
ris, Cod. Th.

L. 7. de opor-  
tibus Publicis,  
Cod. Th.  
L. 7. de Cella-  
ris, de Dignita-  
tis, Cod. Th.  
lib. 1. de Cella-  
ris, Cod. Th.

**Sect. 4.** great Quality, and Interest, could not obviate without having Recourse to the "A. D. 361." Emperor; no wonder that the *Curiales* (or *Senators* of Corporations) were much vexed also at this time, upon the same Account.

In what Cases he will not excuse them.

119. These are the Privileges which he Ordains, and Confirms to his *Senators*; but lest they should seem to be set free from all Services and Obligations, besides what, at the beginning, is said concerning their Obnoxiousness to the *Prætorship*, and Expence of Publick Pastimes; he Instances in other two things, wherein they must plead, or to shun the Charge and Trouble in Corporations, many of the *Curiales* had obtained an Admission into the *Senate*, as others betaken themselves to the Army, or to Holy Orders, as a Refuge; but now, though formerly he was content, that being admitted to this Dignity, they should be freed from their Obligations to Bodies Corporate, He Commands, That such be struck out of the List of the *Senators*, and be returned back to their own Towns. But this is to be understood of those only who had not born the Office of *Prætor*, or been at the Expence of the Publick Pastimes; for if they had undergone this Charge, he will not have them forced back to their Towns; yet with this Proviso, that if they had any Money in their hands belonging to the Publick Treasury, or that of their City, they should be bound to make Restitution; for, out of these *Decuriones* were chosen the *Exatores*, *Suceptores*, and *Curatores*, of whom heretofore. The next Duty from which he will not permit them to be Excused, is, that of the *Prostafasias*, than which nothing is more obscure in the whole Code: but from all laid together, it appears (though the word in general signifies Principality, or Pre-eminence) to have been the chief Inspection or Care of Contributing and Collecting Tributes in each *Municipium* and Territory throughout the *East*; and this to must have been Incumbent upon Persons, according to the Quantity and Value of their Lands. But this he will have them tied to, so far as their own Grounds make them liable only, and not by way of *Epivole*, or Contribution for the barren Lands of others; although, to speak indifferently, the *Senators* that lived in the Country were too guilty of getting all the best Lands into their own possession.

Otherwise indulgent to the Nobility.

His Virtues.

He prefer'd none but his Persons.

120. But thus we see how Indulgent *Constantius* was to *Senators*; and this is further to be said of him, that he cherished the Nobility and Senate as much as his Successor did the Corporations. For evidence of this, there is Extant a Law of his, though not in the *Code of Theodosius*, (out of which formerly have been lost) yet in that of *Justinian*; for that his it was, though it be by error Ascribed to his Father, appears from the Direction of it to *Orsius*, who was *Præficus Prætorio* in his time. This forbids any mean Trafficquers, as the *Monetarii*, or any of abject and vile Office or Employment, as the *Stationaries*; or such as lived by any filthy course of Life, to attempt, or aim at any Dignity: or if they did, it Commands they be recalled, and returned back to their former Trade, or meanness of living. For his other Qualities, those who do not Flatter him, confess, that he ever preserved the grandeur of Majesty and Authority; that with a great and lofty Mind he contemned Popularity; was careful and sparing in conferring Honours, and especially the greatest; which, as a Maxim, Princes that designed to uphold the Reputation of Nobility, and prevent Popular Tyranny, have ever observed, as much as they could. Neither did he suffer (or but rarely) either those in Civil or Military Commands to grow greater, through any new Accession of Power or Honour, which would still give others that came after, encouragement to expect the like; so that, under him, no Commander was Advanced to the Degree of *Clarissimus*, having been only of the Rank called *Perfectissimus*. In his time, no Governour of a Province went forth to meet a *Magister Equitum*; neither did he suffer a *Magister* to meddle with any Civil Business; but all, both Military and Civil Officers, according to the ancient Custom, bore Reverence to the *Præfidi Prætorio*, as those that were Advanced to the highest pitch of Honour. In preserving Military Discipline, he was rather too exact; sometimes too scrupulously examining the Merits of his Souldiers. The *Palatine* Dignities, or his Court-Employments, he bestowed, as it were, by a Plumb-line and Level; and during his Reign, no Upright or Unknown Person came to bear any Sway; but it was certainly known, who, of course, having passed ten years of Tryal in an Inferiour Station, would be promoted to be *Magister Officiorum*, *Largitionum*, or the like. As it was rarely known that any who had been bred a Souldier was translated into a Civil Employment, so none were preferred to Command in the Armies, but such as had undergone the Toil of War, and learn'd Experience. Preferment did not in his dayes court all sorts of men indifferently,

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L. 48. de Decurionibus Cod. Th. Abp. à Cod. Justin.

L. 1. de Prostafasias Cod. Th. lib. 11. Tit. 22. Vide Cons.

L. 6. de Digestis Cod. Justin. lib. 12. Tit. 1.

ut bonorum omnium optem.

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differently, or rather those who were most unfit; Persons did not rise to those Places, as inspired, without any Breeding or Study to fit them for the Discharge; as in later Enthusiastick Ages, wherein, not only in Spiritual Ministries, but even in Civil Employments, little or no Study and Preparation hath been thought requisite to any Place. The Light within us, or Natural Wild-fire, whether Canting or Drolling, was not esteemed for its Cracks. Study and Industry were not accounted Formal Foppery, nor what distinguishes us from Beasts, turn'd into Ridicule: Persons might then, as of old, perhaps think themselves born Poets; but not Orators (either Religious or Secular) not Lawyers nor Judges in either kind; Commanders Military, or the like.

121. But, *Ammianns* further tells us, that he was a Diligent Affector of Learning, but by reason of his blunt Wit, no good or tolerable Orator; and yet, if that be the best Oratory that accomplisheth its End, he was not unhappy in his Military Eloquence, and could as effectually cajole the Souldiers, as his Learned Cousin *Julian*; for he still perfwaded them to what he pleas'd, and this by a gentle and pleasing way he had, which this Writer upon occasion asserts, though not where he gives us his Character. Having no success in Rhetoric, he further writes, he betook himself to Poetry, wherein he did nothing to any purpose. As to his manner of Living, he was spare and sober both in Eating and Drinking, whereby, (Temperance being, as a Prince that Reigned in *England* an hundred years ago, and since, was wont to say from good Experience, the best part of Physick) he retained perfect Health, that he seldom contracted any Disease; but when he did, he was sick to Death. He was content with little sleep, when Business and Time required it; and so Eminent for Chastity, during his long Reign, that he could not be so much as suspected toward any Male he had about him, which Crime, Envy, though without any real ground, is wont, faith our Historian, to fix upon Persons placed in greatest Power. He was an Excellent Horseman; and in casting a Dart very Expert, but especially skilled in Archery; and also most knowing in the Arts of Training and Commanding Foot. As for things of more slight consequence, as that in Publick he was never seen to blow his Nose, to Spit, to turn his Head aside, or in all his Life to have tasted any sort of Apples; our Author tells us, he omits to speak further of them, as being often before mentioned by him, and so having but summarily, as he faith himself, mentioned his Virtues, or such of them as he could know, he comes to explain, or lay open his Vices. In other matters, he was to be compared to the middle sort of Princes; but if there was but any Appearance of Designed Usurpation, true or false, he knew no end of making Inquisitions, and neither having respect to Right nor Wrong therein, exceeded *Caligula*, *Domitian*, and *Commodus* in Cruelty, whom imitating in this Excess, at the beginning of his Reign, he utterly cut off all that were near him in Blood or Kindred. In such cases his Suspicions were trained to the utmost, and his Inquisitions were so Severe, that he appointed most cruel Persons to Examine and Judge the Accused, and was delirious, in Punishing those that he Condemned, to extend their Torment even farther than Nature herself could hold out, herein far more Rigid than *Gallienus*. *Ammianns* instanteth in this Emperor's milder Punishment of such as he found really guilty of Treason; takes occasion to show how unlike *Constantius* was to *Marcus*, who, when *Calpurnius* had Usurped in *Syria*, burnt a Packet of his Letters, which had been intercepted. And after this, he cites passages out of *Cicero* and *Heracitus* the Philosopher, to shew the baseness of Cruelty; to which we must needs Assent, but not Imitate, nor transcribe him in such like Salles.

An excellent Horseman, &c.

His Vices.

His Cruelty, according to the Character given him by *Ammianns*.

Too much given to be led by his Eunuchs.

A. D. 361.

Perque statia via longissima impendia casus.

Equitandi & javelandi, armisq; armatus perque statia via longissima impendia casus.

De numeratis carptis bonis que fite putamus, nec ad explenda ejus vitia volumus.

Et insidit acribus Reip. Jani persequi horrendi.

122. But to the purpose; he adds, that this Cruel he was, under a specious Pretence to Justice and Clemency; that, as in Foreign Wars, he was broken and dejected, so in Civil Contentions, wherein he had usually Success, he was puffed up, and, as he words it, sprinkled with horrid filth from out of the Intestine Ulcers of the Commonwealth; so that through a depraved purpose, rather than what was Right and Usual, he Erected in *Gall* and *Pannonia* Triumphal Arches, at a great Expence out of the Calamities of the Provinces, with the Narration of his Acts thereto affixed. To his Wives, his whining Eunuchs, and certain of his Courtiers, who Applauded all he said, and observed how his Inclinations stood, that they might accommodate themselves to his Humour, he was too too much addicted. And the Badness of the Times was rendred worse by the insatiable Rapacity of his Officers, who thereby procured him much more *Odium* than Money; and this yet seemed more intolerable, that He himself would never hear a Cause, nor take any care for the Ease of the Provinces, at such time as they were burthened by multiplied Tributes and Impositions. He was, to conclude this Character, of his mind, (for what our Author



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thor speaks of him in reference to Christian Religion, will be more proper for another place) easily inclined to take away what he had formerly bestowed. As for that of his Body; His Complexion was brown, his Looks lofty, and his Sight quicks the Hair of his Head was soft, his Face, which he constantly shaved, very comely; from his Neck to his Groin he was tall, but his Legs were very short and bowed, which made him very excellent in running and Leaping. Such is the Character given him by *Ammianus*, to which it will be requisite that we add what others, as to this point, have written of him, and one that lived in his Time, though of a Pagan persuasion; for, to avoid partiality from Affection, we shall not have respect to what Christians have written, but rather consider what they say of him upon another occasion.

The Character given him by *Eutropius*, and other Pagan Writers.

123: *Eutropius*, who lived also in his dayes, having told us, that he died as he was going against *Julian*, betwixt *Cilicia* and *Cappadocia*, in the forty fifth year of his Age; adds, that he deserved to be reckoned amongst the *Divi*, or Deified Emperours. Then, that he was a man of egregious Tranquillity, of a pleasing Disposition, that he gave too much credit to his Friends and Familiars, and was something too Uxorious; yet, in the first years of his Reign, he demeaned himself with great Modesty, was an Enricher of his Familiars, and suffered not those which he had found Induftrious to go unrewarded. But he was more than ordinary inclined to Severity, upon suspicion of Treason, otherwise mild; and one whose Fortune was to be more esteemed in Civil than in Foreign Wars. With *Eutropius* agree others of the same way, commending this Emperour, as to the Main, and laying the great fault upon his Eunuchs and Ministers. But, although all men, and especially the greatest, be obnoxious to Flattery, and those that see with the Eyes, and hear with the Ears of others, are too subject to false Representations; yet *Constantius* cannot hereby be Excused, nothing so much declaring the Wisdom and Disposition of a Prince, as the choice of his Ministers. For, they all therein suit their own Inclinations; not but that the most Prudent may be mistaken in Men as well as Things; but we speak of the constant Practice, as that of this Emperour, who was generally thus imposed on all his Life. At parting yet we cannot but observe something in his behalf, in reference to the odious comparisons *Ammianus* makes of him for his Cruelty. He tells us, that he rooted out utterly his Kindred at the beginning, which all must needs acknowledge an Expression Hyperbolic. For to be sure, *Gallus* and *Julian* he left alive, and they and He were as near a Kin as Brothers Sons are wont to be. Then *Eutropius* tells us, that *Dalmatius Caesar*, another Cousin, was indeed killed, but by a *Military Faction*, and so as *Constantius* rather suffered, than commanded it.

A.D.

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From *Dalmatius Caesar* pro-  
posed to be  
made  
Emperor  
by  
the  
Army  
at  
Sardis.

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From the Death of Constantius, to that of Julian.

The Space of a Year and some Eight Months.

1. THE Body of *Constantius*, being duely prepar'd and Coffin'd, was committed to the care of *Jovian*, his *Protector Domesticus*, to be convey'd with Royal Pomp to *Constantinople*, there to be Buried with his Relations. While in the way, *Jovian* was sitting in the Chariot that carried the Corps, there were offered to him, as was wont to be to Emperours in their Journeys, the Essays of Corn, or Military Provisions; and the Publick Beasts of Carriage and Burthen belonging to the *Cursus Publicus*, were produced so often, that, together with Officious Meetings upon the Road, and other things of like nature, they portended Empire to *Jovian*, but such as was empty, and rather a shadow of Sovereignty, than otherwise, as to one who was the Chief Actor in a Funeral Solemnity. But to leave him with his Charge, and return to the Place whence he set forward with the Body. After the Chief Officers, Military and Civil, had, by their Tears and Lamentations, testified their due Respect to the dead Emperour, they began to lay their Heads together, and consider what was to be done in reference to a Living Prince; for such an one now there must be made, or owned. After some final Attempts in another way, at the motion of *Eusebius*, as was reported, whose Confidence now flew in his Face, *Julian*, who seemed near at hand, and well provided, was resolv'd on for the Man; and *Theodolaphus* and *Aligildus*, both Counts, were sent unto him, to inform him of the Death of his Kinsman, and to desire that he would without delay come into the *East*, which was very ready to receive his Commands. But the Report went, that *Constantius* made a Will, and therein, as was formerly said, named *Julian* his Heir; bequeathing Legacies and Estates in trust to other his Relations; for as for Children he left none, except one in the Belly of his Wife, which, proving a Daughter, and after him named *Constantia*, was afterward married unto *Gratian*. In the mean time, *Julian*, being variously employed in *Illyricum*, yet principally intended his Divinations, by a continual prying into the Entrails of Beasts, and viewing of Birds; yet were the Answers so Ambiguous and Obscure, that he remained still in Suspence, and altogether Uncertain about future Events. At length one *Aprunculus*, an Orator in *Gall*, afterward promoted to the Government of the Province of *Narbon*, a man mighty skilful in the *Astrucina*, made to him a full discovery from the Liver of a Beast, as he said, which was covered with a double Call. Yet was he still afraid that these things were but feigned, which were thought to be acceptable to him; and this made him Melancholick, Good Man, till he himself perceived by a good Token, that *Constantius* his Death was portended. At the very same instant, *Ammianus* tells you, that the Emperour died in *Cilicia*, a Souldier, who lifted him up upon his Horse, he being set, fell down to the ground; whereupon he suddenly cryed out, in the hearing of all the Company, that He, who had raised him up on High, was fallen himself. He knew that this boded well towards him, yet he was resolv'd still to continue in *Dacia*, as still apprehending several Dangers. For he thought it not safe to trust to Conjectures, which perhaps might fall out quite contrary to what they suggested.

*Constantius* being dead, his Officers send and invite *Julian* to take possession.

2. These Doubts were at last all dissu'd by the Arrival of *Theodolaphus* and *Aligildus*, who brought him News both that *Constantius* was dead, and that he had declared him his Successor, as our Pagan Historians write; though Christians have believed, that this was feigned by them, to take off the Odium of *Julian's* Usurpation. For, it's reported of *Constantius*, that when he lay on his Death-bed, amongst other Reflections upon his Life, he repented that he had Promoted *Julian* to be *Cesar*; but if he so Ordained him his Heir, the more Gratitude he owed to his Memory, and so virtuous and gallant a man as he, doubtless, could not but pay full a Debt. However, now delivered from all Fears and Incumbrances, he was exceedingly Elevated with his good Fortune, and gave credit to Divinations; but, knowing how much Expedition had contributed to the Advancement of his Affairs, he gave Orders to march away into *Thrace*; and passing down the Mountains

*Julian* hears of his Death.

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of *Succi* came to *Philippopolis*, which by the Ancients was called *Eunopolis*, his Army following very cheerfully, now they found that what they were going to take by Force, and that with the hazard of all their Lives, was devolved upon him by ordinary Right. When the Report of his Approach was brought to *Constantinople*, all forts came out to receive him as one dropp'd from Heaven; and there he entered with great Applause, and the Admiration of all that beheld him, on the eleventh of December. For they considered how a young man, as he was, of a little Body indeed, but renowned for very great Actions, after bloody Tragedies made by him, both of Kings and Nations, was suddenly pass'd from City to City, easily conquered all Opposition where he came, and in Conclusion arriv'd at the Possession of the Empire, as by Divine Appointment without any Expense of Blood, or Treasure, to the Commonwealth. But though he came so easily to the Supreme Power, he thought fit not to forgive such as had been his Enemies formerly, though now they readily submitted themselves, and clost with his Interest. For within a short time, as a Foundation of what was to follow, and to have a Judge whom he could trust, he made *Sallustius* his *Præfatus Prætorio*, and with him joyn'd *Mamertinus*, *Arbeto*, *Agilo*, *Nevita*, and *Jovinus*, whom he had lately promoted to be *Magister Equitum* through *Illyricum*. Those Commissioners pass'd over to *Chalcedon*, where being protect'd and assisted by the *Triumvirs* and others the Principal of the *Joviani* and *Heruliani*, they made more severe Inquisition after Criminals than Justice would bear them out in, though their Emperor did; some few Cases only excepted, wherein they could scarcely exceed the Merits of such, as they had Reason to condemn.

3. They began with *Palladius*, whom they banish'd hither into *Britain*, merely because he was suspected to have plotted something against *Gallus*, while under him he executed the Place of *Magister Officiorum*. Next after him they punish'd *Taurus*, who had born the Office of *Præfatus Prætorio*, in the like sort though his Crime, in the Opinion of indifferent Judges was very slight, as having, when he apprehended a Storm approaching, betaken himself to the Court, and Protection of the Emperor his Master: And the Record made at his Tryal, was not read without great Horror, it beginning in this manner: *In the Consulship of Taurus and Florentius, Taurus being brought to the Bar*. In like manner was *Pentadius* endangered, it being objected that he took in Short-Hand the Answers of *Gallus* to such Interrogatories as were put to him a little before his Death; but he made so clear a Defence, that he escap'd unpunish'd. By the Force of the like Injustice was *Florentius* the Son of *Nigrinianus*, and then *Magister Officiorum*, confin'd to *Boas*, an Island of *Dalmatia*; as for the other *Florentius* who had been *Præfatus Prætorio*, and at present was dignified by the Title of *Consul*; he retir'd with his Wife, and though condemn'd to Death in his Absence, lay conceal'd all the time that *Julian* lived. But *Evagrius* the *Comes Rei Private*, and *Saturinius*, who had had Charge of the Palace, together with *Cyrinus*, lately a *Notary*, could not escape being driven into Exile. And yet the Cases of these Persons seem'd very Just and Reasonable, in Comparison of what *Ursulus* the *Comes Largitionum* suffer'd, whose Death *Amianus* tells us that Justice he self seem'd with Tears to have bewail'd, and tax'd *Julian* as ingrateful, however *Libanius* hath minc'd the Matter. For, this Person when he was made *Cæsar*, and sent into the West, perceiving there was a Design to straighten him of Money, that he might have nothing to give to the Soldiers, and thereupon they might be ungovernable; wrote Letters to the Treasurer of *Gall*, to furnish him, as he should have Occasion. After he was put to Death, when *Julian* perceiv'd he was thereupon revild and curs'd as a most ingrateful Wretch; he thought to save the Sore by a Fallacie, and excuse the Crime which could not be expiated; affirming that the man was killed without his Knowledge, and pretended that the Soldiers made him away in a Rage, for having spoken those Words at *Anicida* so long before; which we related upon Occasion of *Constantinus* his coming before that City. Therefore in the Opinion of *Amianus* he was fearful and unadvised, when he made *Arbeto* a man of an uncertain humour, and very proud, to be Judge of these Matters, (for the Officers of the *Legions* and the rest that were joyn'd with him were but only for Show) to him whom he knew first of all to have been set against his Life and Safety. Though those Proceedings were deservedly blamed, even by his Followers, yet other Examples of Severity he shew'd, wherein he did not at all deviate from the Paths of Justice. *Apodemus* the *Agens in Rebus*, who had been so buisie in the Death of *Gallus* and *Sylvanus*, as also *Pani* Sirnam'd *Cassena* the *Notary*, not to be named without Grones for those that were murder'd through his violent Prosecution, were burnt alive. *Eusebius* the *Præpositus Cubiculi*

A. D.  
361.Flamme infer  
castis facilius  
accipit.Causas ve  
mentis equo  
bonique Spic  
crant.Vide Vals  
Annot. in A  
man. lib. 22.  
p. 206.Quam malidi  
ci exortatio  
nibus multum  
si Julianus in  
terit expostum,  
imparabile  
Cyrinus excusa  
vi post exsili  
mans etc.

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culi to *Constantius*, that Execrable and intolerable Eunuch, who from a contemptible Original, arriv'd at so great Impudence as even to command the Emperor, rather than to receive Orders from him, was also put to Death.

He too severely  
handles the  
Patetites, or  
Courtiers,  
though gene  
rally bad men

4. From such animadversion upon these men, *Julian* fell on all the *Palatines* or Courtiers; though not like a Philosopher or one that profic'd to find out the Truth. He had deserv'd Commendation, had he retained such as were honest amongst them; though indeed of these there were but very few. For it must not be denied, but that most of them were very vicious, and did much hurt to others, chiefly by their ill Examples. Some by the Spoils of Temples, our Writer informs us, and the rest by some other Occasions of gratifying their rapacious Minds, from the greatest Poverty rais'd themselves to vast Estates, and knew no Mean, neither in giving, taking, nor spending; being so habitudin'd to invade the Rights of other men, that all Shame laid aside they stuck neither at Perjury nor any other Crime. Hence came up Feasts and Entertainments as luxurious as those us'd at *Triumphs*; *Silk* also began to be ordinarily worn, which hitherto was of vast Price and Scarcity; the Art of Weaving increas'd; and especially that of the Kitchen; and of splendid Furniture. Neither was the Discipline of the Camp less corrupted than that of the Court, the Souldier now only exercising his Voice in Songs; not contenting himself, as formerly, with a Stone in his Tent whereon to rest himself, but carrying about his Feather Beds, and drinking out of Cups, whereof each was heavier than the Sword he wore: he shamed now to drink out of an earthen Pot, and by his good Will, no House would serve him but one of Marble, whereas a *Spartan* Souldier is said to have been punished for being seen but within doors at the time of an Expedition. But so furly and rapacious the Military man was in those days, toward his Fellow Subjects, and on the contrary so cowardly towards an Enemy, that being arriv'd at Wealth through ambitious Courses, and in a way of *Laziness*, he was become very expert and knowing in the Vanity and Worth of Jewels; a thing certainly wherein those of but little later times were but meanly practis'd; for the Story was now commonly known of a Souldier, who in the Reign of *Maximian*, at the Plunder of the King of *Persia* his Camp, having light of a Bag wherein were precious Stones, cast out the Gems, as things of no Value, and went away very well pleas'd with the fineness of the Bag. But now *Luxury* had so infected all sorts of People, that on a time when a Barber was sent for, to cut *Julian's* Hair, there was one brought to him who had on a very gay Suite of Cloths, at the Sight of whom *Julian* was astonish'd, and said, *I command not a Rationalis*, (of which sort of Persons, formerly) but a Barber to be called. This Fellow being asked what Income he had by his Trade, made Answer, that he had twenty *Annone* (or so many Loaves) by the Day, and as great an Allowance for Horfes, (an Allowance for an Horfe they call'd in those times *Capitum*) besides a large yearly Salary, and many other advantages he had of begging Boones. Here at the Emperor was so mov'd, that he turn'd him and all his Companions away, (together with *Cooks* and others, Professors of like Mysteries that received the same Advantages) to shift for themselves, as they could. Thus much *Amianus* tells us of the Corruption of the Court, and the Reformation made by *Julian*. Now let us see how the Reformer, in all Relations, order'd his own Affairs.

Julian pro  
fesses him  
self a Pagan.Cunningly di  
vines Christi  
ana.

5. And first for his Religion, although from his very Childhood, he was much inclin'd to Paganism, and as he grew up, his Inclination that way still more increased, yet not daring to shew it, with as great Secrecie as he could, he had meddled with Matters relating thereunto. But now that his Fears were remov'd; and he had Liberty to do what he list'd, he reveal'd the Secrets of his Heart, and in Plain and downright words commanded by his Edicts, both that Temples should be open'd, Sacrifices be offer'd as formerly, and the Worship of the Heathen Deities restor'd. And that his Design might take fuller Effect, having sent for the Disfenting *Christian* Bishops with their Followers to the Court, he told them, he would have them bury all Disfentions amongst themselves, and without all Fear or Control, every one live after his own way; and this he did with great earnestness and Cunning, that this Liberty procuring great Disagreement, he might not be endanger'd by that mighty Advantage which their Unity would have procured to them. For he knew very well from Experience, that no wild Beasts are so fierce and violent against men, as *Christians* commonly one against another. And he would often cry out, *Hear me whom the Allemands and the Franks have heard*, there in thinking he imitated the Saying of *Marcus Aurelius*; though not a little differing. For that Prince when passing through *Palestine*, toward *Egypt*, he was

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sophus inda  
gentis viri  
tissimusSacratis hac  
nomallus lan  
datis, a plebs  
que anim  
improbata fu  
it. Remiss  
cuius tot Pala  
tis Inductio  
qui si non ali  
adventus orna  
mentum ac p  
pau ante diff  
ribant, videt  
et contemptum  
Principis Co  
missionem vide  
re nescit. Et  
Cæterum Gre  
gorius Nect  
ore, in eodem  
Consulatu a  
Julianum factum  
esse dicit, et  
Christiani  
Simone quem  
qui a Palatia  
pulsam. Vide  
Vale.Vicinus dier  
num refectio  
annorum, test  
dumque publi  
famestorum.  
que vultu di  
tutius capiteGoes to Con  
stantinople.Severely ani  
madvers up  
on his late  
Enemies.Several un  
justly put to  
Deaths

Some justly.

Secl. 5. much pelted by the stinking and tumultuous Jews, cried out with grief, O Mar-  
comanni, O Quadi, O Sarmatae, At last I have found out more troublesome People than  
your selves. About this time he was troubled by the importunate Addressees of  
many that came out of Ægypt, being, as naturally that Nation then was, very much  
addicted to Suits and Troubles; and so Covetous as well as Impertinent, that if Justice  
they had given any Money for doing Business, as either to procure the mitigation of  
a Fine, or longer time of payment, they would earnestly contend to have it resto-  
red. They so plagued with their noise, both Julian and the Præfētus Prætorio,  
(not being satisfied except they could recover money which had been so employed,  
though seventy years before) that they could do no other Business for them; and  
therefore the Emperor, for his own Quiet, and the Repose of his Ministers, by an  
Edict commanded, that they should all pass over to Chalcedon, whither he promised  
that he himself would shortly follow. But there when he had them, Command  
was given to all Boat-men, that they should not dare to bring over again so much  
as one Ægyptian, which being carefully observed, this their Design of Informing  
fell to nothing, and they were all forced to return home as they came. But this  
gave occasion to the Promulgation of a Law, as Ammianus tells us, whereby no  
Person that had legally received any Money for doing any Business, should be mo-  
lested.

Provoked by  
the trouble-  
some and im-  
pertinent  
Ægyptians.

He Published  
a Law.

6. This Law is still Extant in the Code of Theodosius, and the very first that  
therein we find made by Julian. But, besides what Ammianus writes concerning  
the particulars for which the Ægyptians made so troublesome an Address, it prin-  
cipally aims at such as had given Money for Places or Offices in the Common-  
wealth. For, amongst other means of getting Money, the Palatines, or Courtiers  
of Constantius understood this very well; it being a Trade seldom unlearn'd by  
had men about Princes, to make money of the Employments of which they have promulged  
the following; the great Cause of ill Management of Affairs, when Preferment  
goes not according to Desert, when men are not sought for that are fit for Pla-  
ces, but such Places as may be fit to advance and enrich, are sought for men. Yet  
by what this same Author Ammianus writes it is evident that this corrupt course of  
giving and receiving Money for Honours did not in Constantius his time extend to  
the filling of any eminent Offices either in Court or Camp with new upstarts or un-  
experienced Persons, he being wonderfully cautious to prevent all such Abuses.  
However, Julian signifies in this his Edict, that some there were who through base  
Fictions or Lies had thrust themselves into Places, which ought to have been con-  
ferred upon good and deserving Persons; and others have written that Offices in  
the time of Constantius were set to Sale, which must have been then meant of the in-  
feriour sort, and such as were removed from his own Observation; for indeed it  
was impossible but that one who was so served by Eunuchs and other Flatterers,  
should be sometimes over-reached in bestowing inferiour Places of Magistracy. But  
however as to the Law, it was neither allowed to give nor to receive any Gifts of  
this Nature. Yet if such a thing had hapned, he that had received, and was in Pos-  
session was ever esteemed to have both the more legal and more plausible Title;  
and for as much as the Roman Laws (so Julian tells us in this Edict) are utterly  
Strangers to such Contracts, he takes away all Power of recovering Money so dis-  
honestly employed. But in case any should endeavour to recover such Money, or  
get it back into his Hands, he should not only lose it, or return it to the Party,  
but forfeit as much more to the Publick Treasury. Now this Constitution respects  
only the time past, and gives order in such cases as were then in Controversie; but  
afterwards several other Laws were made by succeeding Princes, both for punishing  
in the same sort such as had used Bribery for the obtaining of Preferment, and for  
prevention of the Sale of Honours and Offices, even by way of Oaths, as we may  
see in due time. For this practice still returned, as Princes became obnoxious to  
their Freed-men, Eunuchs and Courtiers; and hard it was utterly to prevent it; for  
though the Emperours, as we see by Constantius, might be severely careful, that in  
Places near them and under their Eyes, none but fit and experienc'd men should  
be preferred; yet they could not know all Persons, nor out of their own Ac-  
quaintance make provision for the Supply of those Numerous Employments and  
Charges through this vast Empire. Such they must take as those about them re-  
commended, so that (as was formerly said) the work of a Prince, especially lyes in chu-  
sing such Eyes and Ears about him as he may trust, in what he cannot see and hear  
himself: ill management when it happens begins most commonly here, and Govern-  
ment is hereby rendered as Culpable and Infirm, as the Growth and Nourishment of  
the Body perverted, when the first Concoction thereof is vitiated.

7. When

Secl. 5. 7. When the first day of the year was come (on which this Law beareth Date)  
which gave beginning to the Consulship of Mamertinus and Nevitta, the Emperour  
himself condescended so far as to walk on Foot with the rest, at the (a) Solemnity,  
which some commended as the Effect of his Humility, but others condemned as be-  
low him and proceeding from Affectation. But this Affectation he began every  
day more and more to shew. He himself would manumit the Slaves, they being  
introduced forthwith by the Proximus Admissum, till he was told, that that Juris-  
diction now belonged to another. Being acquainted that Maximus the Philoso-  
pher was come to see him out of Asia, in an unseemly sort he leaped up, and for-  
getting what Person he was, ran as fast as his Legs would carry him a great way  
out of Doors, fell upon him and kissed him, and then brought him in with great Ce-  
remony; which rendered him (b) ridiculous for his unseasonable Ostentation, and im-  
moderate thirst after vain Glory. And in the Opinion of Ammianus herein he pre-  
fix that Saying of Tully, by which he and such like are censured, viz. Those very  
Philosophers even to those Books which they write against Vain Glory, prefix their own  
Names, with Design, that by that very Act whereby they despise Honour and Fame, they  
themselves may be spoken of and commended. Not long after, two of those Agents in  
Rebus, who had been turned out, came confidently to him, and offered, on Condi-  
tion they might be returned, to discover to him Florentinus the late Præfēt; but he re-  
viled them and worthily called them Informers, adding withal that it was not the part  
of an Emperour by any indirect Discoveries, to find out a man who concealed himself  
for Fear of Death, and who perhaps would not long be suffered to lye concealed  
without Hope of Pardon. But he not only endeavoured a Reformation in civil  
Matters; into the Affairs of the Camp he also made diligent Inspection. He pre-  
ferred such to Commands as he knew well experienc'd, reinforced the Cities of Thrace,  
and was very careful that neither Arms, Clothes, Provisions, nor Pay should be  
wanting to those Soldiers whom he understood to have gallantly demeaned them-  
selves upon the Limits of Ister, against the Incursions of the Barbarous Nations. In  
Reference to what Ammianus thus discourseth, concerning his Care about the Pro-  
visions of Soldiers; there is a Law of his extant in the Code, and dated on the sixth  
of this same month of January. When they were in their March, their Provisions  
both for Horse and Men were all found them and brought to their hands; but when  
in Garrison or their Quarters, the Provincials were not bound to bring it, but they  
themselves looked out, as for other things, for Straw and Provender. Now left id.  
they should range too far, or be too much straitned, by this Edict directed to Sal-  
lust the Præfētus Prætorio of the East, he ordained that their Purveyance should ex-  
tend twenty Miles.

He reforms  
Matters rela-  
ting to the  
Camp.

He is courted  
by all Nations.

8. Having settled Matters relating to the Army as he thought convenient, he was  
advised by his Followers to fall upon the Goths, a fallacious and perfidious People;  
but he answered that he look'd for a more noble Enemy; and as for them, the Ga-  
latican Merchants would do their Business, by whom they were sold up and down;  
and yet, notwithstanding his Presumption and Slighting of them, this despised Peo-  
ple afterward made bold to purchase by their Blood, and possess by their Sword a  
great Part of the Roman Empire. But Ammianus further tells us, that thus careful-  
ly demeaning himself, he became famous to Foreign Nations, and by Degrees filled  
the World with the Renown of his Fortitude, Sobriety, Military Skill, and emi-  
nency in all other Virtues. And the Dread of him being spread to the same Extent,  
Ambassadors were now sent to him from all Quarters. Here he gives us an Enu-  
meration, as if he repeated the Epigram concerning the Spectacula commonly ascribed  
to Martial. The Armenians and those beyond Tigris now begged Peace, and the  
Indians, from Countries yet more Eastward, by the hands of their Noble men  
made him Presents. From the Southern Parts of the World, the Moors offered  
him their Service. From the Northern, and where the River Phasis falls into the  
Sea, the Bosporani and other Nations till that time unknown became humble Sup-  
pliants; that, for a yearly Acknowledgment, they might be permitted to live qui-  
etly in their own Countries. Those Addresses caused no small Joy at Court, which  
was farther increased by News out of Italy, that the West might also contribute her  
Share. For now News was brought that they within Aquileia, convinced that Con-  
stantius was dead, had surrendered the Place. Julian with these Felicities was much  
elevated, and began now to entertain Fancies and Designs, which exceeded the  
Bounds of humane Nature. He look'd upon himself as one, whom governing the  
Roman World in Peace and Tranquillity, Fortune presented with a Cornucopia of all  
good things, and to his former Trophies, he added this great Favour, that while  
he reigned alone (how long it was he shall shortly see) he was neither distur-  
bed

And wonder-  
fully elevated.

ed by any Intefine Diforders, nor any of the Barbarous Nations adventured out of their own Bounds; but all forts of People, being ever violently bent to difcommend what is pait, as very bad, wonderfully admired and commended him. Having difpofed of all things, as Time and Place required, and by frequent Speeches, as well as by Pay, animated the Souldier to fuch Undertakings as he fhould put him upon, he refolved to remove from *Conftantinople*; which City he very much favoured, as the Place of his Nativity, though elfe it had doubtlefs been unacceptable to him, by reafon of its Founder, and the Name from him received. *Zofimus* writes, that he continued ten Months in this City, but from the Dates of fuch Laws as he made this Year, it is evident, that the time is to be contracted within Eight, or thereabouts. For, during his Refidence here, feveral other Edicts he Publifhed upon various Occafions, of which we muft take notice, at leaft, fuch of them as moft lead to the Illuftration of the Hiftory or Policy of thefe Times, before we follow him hence to *Antioch*.

9. Two of thefe Laws he made for refraining the Avarice and Corruption of the *Numerarii*, Officers of whom we have formerly foken, who, amongst other Matters, having the Accounts of Corporations in their hands, often play'd the Knaves either with them or the Publick. He therefore makes them lyable to Examination by Torture, for the better Difcovery of their Cheats: Ordains, that having been employed five years in the Publick Accounts, they be out of Service; and after Employment the fixth, that fo they may be more liable to Accufations; but after feven years, in cafe they have well demeaned themfelves, and either have been burthened with none, or answered all Accufations; he then will have them enjoy the Dignity of the *Perfediffimatus*. We have lately feen how at his firft coming to the Monarchy he employed *Salluft* his Prefect and others, in the Tryal of fuch as had the Repute of being Enemies to him and his Brother *Gallus*. While they were at this Work, and might have occafion to Examine and Cenfure feveral that bore the Dignity of *Senators*, he directed an Edict to *Salluft*, bearing Date of the Nones of *February*, for moderating the Rigour of fuch Proceedings againft Perfons of that Quality. Although by the Cuftom of the *Roman Empire*, fome forts of Perfons, when accufed of Crimes, were not fhut up in clofe Prifon, yet, till they were tried, and either acquitted or condemned, they were wont to be held in a fort of Cuftody by the *Apparitor*, *Agens* in *Rebus*, or Meflenger that had been fent to fetch them up. Now *Julian* by this Edict, not only Ordains, in fuch cafes, that the Antient Right of *Senators*, and Authority of that Order, be preferved inviolable from all Injury in general, but particularly Commands, that fuch being Accufed, before their Tryal, have no caufe of Terror offered to them, but be void of all Calumny and Sufpicion; and (what is moft) be abfolutely free and at liberty till fuch time as they be either Convicted, or confeft the Crime; in which cafe, he acknowledges them to have incurred Deprivation. Indeed fuch as were only accufed, though of Capital Crimes, though they could not be admitted to new Honours, or Preferments, their Caufe depending, yet, till their Tryal retained their former Dignity; in like manner, as by the *Caton Law*, a Bifhop, before he be heard and condemned, ought not to be deprived of his Bifhoprick. And, as to *Senators*, they were wont to be kept in free and honourable Cuftody, neither at their Tryal were they bound to ftand, but they might fit, though upon a Seat inferior to the Bench of their Judges. As a Senator retained his Dignity till Tried, fo was it agreeable enough that he fuffered no Injury, Reproach or Moleftation, as Guilty, before fuch time as he fo appeared; but in point of Liberty, that he fhould be abfolutely free, and in no Cuftody at all; this was fuch a Privilege as could not comport with the Publick Safety, giving leave to Offenders, how Criminal and Dangerous foever, to make their Efcapes, and avoid their being made Examples, which ought to be the end of all Punifhments. Therefore was this Indulgence to *Senators* afterward taken away, and when *Julian's* Code came to be compofed, the former Part of this Law, which fpeaks of the Prefervation of their Rights and Authority, only was inferted into it; the latter part concerning this new Privilege granted by *Julian* being left out. But the reafon he gives, is, becaufe he reckons himfelf alfo one of their Order or Rank, as feveral Princes both before and after him, have alfo expreffed themfelves, though without the Grant of fo dangerous a Privilege. Hence was the Emperours own Houfe fubject to that Charge which was called *Onus Glebale*, and was proper to *Senators*. And the Daughter of a Senator could not marry to one whole Father had been a Slave.

10. But, though *Julian* was thus indulgent to *Senators* before Conviction; yet when condemned or prohibited he was as fevere in the Point of the Confifcation of their

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their Estates. For, having been informed that fome there were that concealed their Goods; by an Edict directed to *Felix* the Comes *Largitionum*, he commands, that fuch Concealers if they be Rich, be alfo prohibited; and if they be Poor, and thereby as he phrafeth it, be abject as far as the Drégs, and balenef of *Plebeians*, that then they be put to Death. This Law is laid to have been publifhed at *Rome*, on the ninth of *March*, where the Habitations of feveral *Senators* procrib'd by *Julian* upon the Account of him and his Brother, were. But whereas this *Felix* his Comes *Largitionum* was an Apoftate as well as himfelf, this Direction of the Edict to him hath induc'd *Baronius* to believe, that he intended it againft fuch as concealed the goods of profcribed *Chriftians*; it ordinarily hapning that none are fo zealous and furious in their Way as Apoftates. Indeed the Penalty is fevere to all Extremity; and might become as an Apoftate to enact, fo alfo a Fugitive from his Religion to execute. But, befides that there were thofe who he prohibited upon the Account of him and his Brother, and as *Zonaras* writes, he banifhed many, and confifcated their Goods, fo *Chriftians* he did not procribe as *Chriftians*, neither in the Beginning of his Reign did he perfecute them, but cunningly and underhand endeavour to undermine them and their Religion. He was now rather acted by a pleafant Paffion of Revenge which when backed by Supreme Power feldom knows moderate Bounds. There were feveral that had done ill Offices with *Constantius*, that had helped on his Brother to his deferved end, and efteeming him perhaps an Ufurper, as well as fearing him, had tampered about promoting others to the Imperial Dignity. Of the Procefs framed againft thefe Perfons he himfelf makes mention in a Letter written by him at this time to *Hermogenes* the Prefectus *Auguftalis* of *Aegypt*, and beginning with a Rapture. He prays him to permit him with the Poets to fay: *Ob hoc beyond Hope am I preferred! Ob Meflage beyond all Expectation that I have efcap'd, not fo much that Hydra with many heads my Brother Constantius (he was as the wild Beaft) his Attendants, who endeavour'd to murder one with their very Eyes, and made him more cruel than he had been elfe, who was not very merciful neither of himfelf, though to many he appeared fo to be. But feeing he is dead let him go as the Proverb is; as for them, Jupiter knows I would not have them fuffer unjuftly, but becaufe they have many Accufers they are called to their Tryal. As for thee my Friend, endeavour, even above thy Power, to be with me, for I proteft to the Gods I defire to fee thee, and rejoicing to hear thou art in good Health, command thee to come. Thus he writes to his dear *Hermogenes*, whole Prefence poffibly he requires at the Tryal of thofe Criminals. As for his Proteftation that he would not have them to be punifhed unjuftly, compare it with what *Ammianus* writes concerning *Orfulus*, *Taurus* and others.*

11. Whether or no as to this Point he confulted his Paffion, we determine not; but another Law he made about this time which tended much to the publick Service. *Constantius*, as we have feen, by feveral Edicts took great Care of the *Curfus Publicus*, both as to the refraining of the too common Ufe made of it, and reforming other Abufes in it's management. But the Remedies were not potent enough to conquer the Difafe. What by reafon of the too much haggling them about through perpetual Employment, (much ufelefs'd by the Travel of Bifhops to fo many Synods as were held during his Reign) and the Neglect of them by their Keepers, the Beasts that drew the Waggon were moft of them tired out, and not able to travel, toward the latter end of his Days, if we may believe *Libanius* in an Oration compofed in Honour of *Julian*. *Constantius* to prevent their too frequent Ufe had taken away the Power of granting Licenfes, from the Governours of Provinces; but they had reffum'd the Privilege either by his particular Command, or of their own Heades, and by Connivence. Of this, *Julian* by an Edict directed to *Marcellinus* the Prefectus *Pretorius* taking Notice, abrogates fully the Power of granting Licenfes, to all Perfons except him and his Brethren the Prefects. But that publick Affairs may not be hindered, he tells him that he himfelf will with his own Hands give to *Vicars* ten or twelve Courfes, and they the Prefects fhould grant to *Presidents* two yearly, that thereby they may upon urgent Occafions fend their Officers into the moft remote Parts of their Provinces: and beides when there was any need of confulting him or referring to him; upon fuch Emergencies he himfelf would grant them particular Licenfes. Hence it is that fome write how *Julian* taught his Subjects either to keep Horfes and carriage-Beasts of their own or to hire when they had Occafion, and not to burthen the Publick Courfe deftined only to publick Service; as for fending down the Emperours Commands, Conveyance of Ambaffadors, or Meflengers to him, and of the publick Revenue to the Court: in a Word, as *Caffiodorus* exprefeth it, whatsoever almoft was tranfacted

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from the Payment of the Grain called *Species Annonaria*, but the other *Species* wont to be paid in by the Provincials, as Cloaths for Souldiers, Gold, Silver, Brafs or the like. And yet could there not be so great Difficulty in what was meant by *Capitatio*; by it being signified all those Payments made in respect of Lands, and for Heads in what *Species* soever, as *Gothofred* observes; but *Julian* subjoyns a Reason, not taken at all from Law, but for offention of his own Humanity or Indulgence, of which, many Examples may be produced out of the Laws, and from elsewhere.

14. Of this Indulgence, about this very time, part he extended to the Professors of Physick by another Edict, dated also at *Constantinople*, on the twelfth of *May*. What Privileges and Immunities had been granted by former Princes, and confirmed with Enlargement by *Constantine*, we have already seen; but it should seem that *Constantius*, his Son, had some way or other infringed their Liberties, or else *Julian* gave another proof of his vanity and offention in this particular. For, beginning with a Preface, how the Art of Medicine is by Use it self demonstrated to be healthful to Mankind, upon which Account the Philosophers not improperly affirm it to have come down from Heaven, the Infirmary of our Nature, and the Impairments of our Health, which daily happen, being hereby relieved; thereupon he Ordains, by his Humanity, as Reason requires, therein following the Authority and determination of former Emperours, that for the time to come, they the Physicians, shall be free'd from all publick Services. The Edict only, or *Sanction* is now infered into the *Code of Theodosius*, but all the whole Law both Preface and Sanction is still extant amongst his Epistles, with this Difference from the other, that what the Edict in the *Code* expresseth concerning publick Services, this other speaks of those belonging to the *Curie* or publick Councils of Corporations, to which a former Constitution of *Constantine* hath a particular respect. Now this Edict is directed to the *Archiatr* in the *Code*; though amongst the Epistles, the Title expresseth it to be *Julian's* Law concerning Physicians in general. But by *Archiatr* are meant those who practised, though to private Persons, within the two Cities of *Rome*, and *Constantinople*, whence the Law bears Date, and where (still *Julian* resided. For by this Appellation were meant anciently those who were the principal Physicians, but they were so called who were either Physicians to the Prince himself in his Palace, or Physicians to the two principal Cities; wherein they also had Publick Allowances, that they might take care of the Poor as well as the Rich; neither had they only this Title which were Principals, or preferred in the College, as some have imagined, but all of them were indifferently so called. But thus we have given Account of such Laws as *Julian* made, whilst at *Constantinople*, and are proper for us here to mention. Now let us follow him in his Progress Eastward.

15. Having crossed over into *Asia*, he passed through *Chalcedon*, and *Libysa*, (where *Hannibal* was buried,) and thence came to *Nicomedia*, at present a famous City (though much more famous, had it not been for *Constantine*;) a City so enlarged and beautified by the Care and Expence of former Princes, that in respect of the multitude both of Publick and Private Buildings, to those that knew it well, it seemed one of the Regions of the *Eternal City*, *Æth* *Amianus*, meaning *Rome*. When he saw how her Walls were now reduced to *Athes*, he bewailed with tears her Condition, and with a slow and mournful pace passed on towards the Palace, but especially when he beheld how ragged and despicable the Inhabitants were that met him, though *Evagrius* the Bishop, by whom he had been brought up. Being now moving toward the East, and designing in his Head to attempt something against the *Perfians*, for which End he made all the preparations *Amianus* speaks of; through which he passed, while he staid in this City, for the Ease of the Countreys, or, one Law he passed, which his Armies were to march. The Provincies were bound to find the necessary Provisions for Man and Horse as we have seen, which Burthen it concerned the Emperours to render as light as might be, and that no needless thing should be required. Therefore were they wont to set certain times to the Payment of the several Duties, as might be most for the Ease of the Provincies: the Provincials were allowed to serve the Army with new Wine, from the Month of *November*; it being cheaper than the old; and now by an Edict *Julian* commands that Meat for Horses shall not be furnished by them till the first of *August*, for this Reason, as is conceived, because in the Summer-time there was grass enough to be had, and they might easily put them out to feed in all Places. Having enacted this Law, and taken order for repairing those Breaches which the Earthquake had made upon the Place, he removed from *Nicomedia*, and, by *Nice*, came to the Borders of *Galatia*, where

He takes care of Physicians.

He removes to Nicomedia.

Prepares for a War against the Perfians.

And marches toward the East.

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where he turned on the Right hand toward *Passinus*, there to fee the old Temple of the Mother of the Gods, whence in the second *Punic* War *Scipio Nasica*, conveyed her Image to *Rome*, by reason of an Hint thereof given by the Verles of *Sibylla Cumana*.

16. Having here done his Devotions, at no less Expence than of Sacrifices and Vows, he returned to *Æneira*; and in his Progress was ever importun'd by a Multitude of Suitors, of whom some desir'd they might be restor'd to such Possessions as had been violently taken from them, others complained that they were unjustly forced to the Service of Corporations, and some without Regard to any *Decorum*, so that they might gratify their Malice, accus'd their Adversaries of great Treason. But he being, as his Friend the Historian tells us, more severe than *Calpurn* or *Lycurgus* themselves, fully weigh'd the Circumstances of every mans Cause, and distributed Justice with all impartiality, but with a great Aversion towards Informers, whom he had Cause to hate, for having himself been endangered by them heretofore, whilst a private Man. Of his Moderation in this point, he gives us one Example instead of many others: There was a certain Person who most vehemently accus'd another, to whom he bore a mortal Grudge, of no less than Treason; and when the Emperour took no Notice of it, he still came, and every day renewed his Accusation with much Clamour. At length he was asked who it was that he accus'd. He answered a Rich man in a Corporation; whereupon *Julian* demanded with a Smile, what Proof he had of the Crime, to which he replied, that *He had made him a Garment of Purple Silk*. Upon this he was bid be gone as frivolous and troublesome; but still he would not be quiet; whereupon *Julian* turning to the *Comes Largitionum*, bade him give this dangerous prating Fellow a pair of purple Shoes to carry to the man who he said had got him a Vest of the same Colour, that it might be known of what Value and Force such Trifles as Hofs and Shoes were, without being accompanied by sufficient Power. But as these things are to be commended, faith our Writer, and to be emulated by good Governors, so another thing there was which was notably severe or bitter; for scarcely was there any one challenged by the *Cursiales*, or those of the Corporations, as liayle to their Burthens and Services, however enfranchised by Privileges, by long Service in the Wars, or by an Original or Descent entirely estranged from them, who ever could obtain any Right at his Hands. Being come as far as *Pyle*, or the Streights which divide *Cappadocia* from *Gilicia*, he received the Governour of the Province, whom he had known when he studied at *Athens*, with a Kiss as the manner was; and taking him up into his Chariot carried him to *Tarsus*. And now drawing nigh to *Antioch*, that beautiful Head of the *East*, he was met and received with Vows, as if it had been some Deity; so that he could not but admire the Acclamations of the People which were made to him as a lucky Star now risen upon the *Eastern* Parts. He entered the City at the time of the Celebration of the *Adonia*, or of the Lamentation of *Venus* for *Adonis* his being killed by a Boar; which was esteem'd to portend no good, that he should make his Entry at such time as the Place was full of sorrowful Noises and Groans. This was toward the latter end of *June*, or after the Summer Solstice, when *Corn* is fully ripe; for by *Adonis* is meant the Sun, which being in Winter kept under the Earth for the most part; our Hemisphere, by the Ancients called *Venus*, is said to lament him as killed by a Boar. The Boar representative of a Creature rugged, fierce, and loving dirty Places.

17. The first thing done by *Julian* after his coming to *Antioch*, and related by *Amianus*, is, an Example of his Patience and Mildness, a matter of light Moment he tells us to Appearance; but for all that to be admired, or wonderful. There was one *Thalassius* that had born the Office of *Procurator Libellorum*, whom he hated because he had been an Enemy to his Brother *Gallus*; and upon this account he was prohibited to adore the Purple, or be in the Company of the *Honorati* at that Ceremony. This being taken Notice of by some that were at Law with him; the next day after, they came to the Emperour and clamour'd, that *Thalassius* his Enemy, by Force had taken away their Goods, which he knowing to be designed for the Ruine of the man, answered that he acknowledg'd that with him whom they spake of he was offended, and that for just Reason; but for as much as he himself was the more considerable Enemy they ought to fit still and be quiet till he had first received Satisfaction; and thereupon he commanded the *Præfext*, who fate by him, not to hear their Cause till he was reconciled to *Thalassius*, which shortly after came to pass. While here he winter'd and spent his time according to his Will, he indulg'd not himself in any of those Pleasures with which *Syria* abounded; but under a Show of Quiet, being intent upon hearing Causes judicially, no less difficult than matters concerning War, (b) was distracted by manifold Cares, with exquisite dexterity weighing with himself how he might give very one his Due, and how best, by his just Decrees, Offenders might be punished with

An Instance of his Justice.

Another of his rigid Severity.

He comes to Antioch.

How he behaved himself there.

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Sec. 5. Moderation, and the Innocent protected. For though our Historian confesseth he was otherwhiles impertinent or unseasonable in the Debates, by demanding at such a time as was no whit proper, of what Religion each of them was that were at Law; yet were none of his Sentences or Determinations faulty, neither could it be proved that out of respect to Religion or any other thing, he deviated from the Course of Justice, to that of Partiality, which he shunned as some dangerous Rock. And this he could the better do, for that acknowledging the Levity and Heat of his Nature, he permitted the *Presides* and those about him, to restrain his Impetuosity by seasonable Hints; and he shewed that he was troubled at his Faults, and rejoiced in being corrected. When the *Advocates* that pleaded before him would applaud him, as one that perfectly understood what Reason was, he is reported to have said in Anger, that he should have rejoiced and been proud had he been commended by such as durst have reprehended him, had he done otherwise than well. Another Example *Ammianus* will give you, which yet also may stand for many, of his Clemency in hearing and deciding Causes; and this we shall also relate that we may not seem to omit any thing brought in his Commendation. There was a Woman had a Cause depending before him, and that against a Courtier, whom when the law amongst the *Protektors* and girt with the usual Girdle, being struck with so unexpected a Sight, he began to complain and make Disturbance; but he bade her follow her Business, if she found her self concerned: for as for her Adversary he was so girt that he might go more readily through the Dirt, and was not able to do her any Harm. In respect of these and other things (and he himself as *ipso die*) you must know daily said it) old Justice, which being offended with the wickedness of mankind was by *Aratus* lifted up into Heaven, in his Reign returned back to Earth; if he had not done some things by his meek Will and Pleasure and from no warrant of the Laws; and sometimes by Errors clouded the manifold Courses of his Glory, as his Historian wordeth it. Yet after many other things, he also amended certain Laws, cutting off their Ambiguities, and explaining fully what was commanded or forbidden by them. But that, faith he, was unmercifully and with perpetual Silence to be overwhelmed, that he prohibited Professors of Rhetorick and Grammar to teach, if they were of the Christian Religion. This, whereof *Ammianus* so much and justly complains, we shall further examine, and discover amongst Matters peculiar to Religion. At present we shall take a View of the Laws themselves made by him at this Time and Place, and see how far they discover such Amendment as that Author writes of.

19. The first which bears Date from this City of *Antioch*, is an Edict lately referred by *Jacobus Gothofredus*, out of certain Manuscripts, to the Code of *Theodosius*, for empowering Governours of Provinces to assign inferior Judges, called *Judices Pedanei* for deciding smaller Causes. For better understanding hereof, it will not be amiss to tell the Reader, that there were three sorts of Causes in Reference to the Cognizance of Judges. Some were of an inferior Sort, for determining whereof the Governours of Provinces were compelled to assign Pedaneous Judges, they being thought too much below their own Examination. The second was that Sort which those Governours were bound *Ex Officio* to hear in Person, neither could they assign any other to do it. And the third was such as they might either hear themselves, or appoint others to hear them. But in the time of the Tetrarchy of *Dioclesian*, *Maximian*, *Galerius* and *Constantius*, by whom the *Vicars* of the *Presides* *Prætorio* were constituted, the Power of the Governours of Provinces was much lessened, Necessity being put upon them of hearing all Causes in Person, and the Power of assigning lower Judges utterly taken away, except in certain Cases; as when they were so employed in Business of an higher Nature, that they could not attend; or the Number of Causes was so great that they could not dispatch them. But now by this Edict *Julian* gives them Power to assign other Judges, as promiscuously in Matters of lesser Moment, and for it this Reason, that there be some Causes wherein it is superfluous for the Governour of the Province his Presence to be expected. Therefore are there three sorts of Times and also of Laws to be distinguished in Reference to the hearing and determining of smaller Matters. The first before the Reign of *Dioclesian*, when these Governours as *Presides*, *Proconsuls*, and the like, could not take Cognizance of them, but referred them to other Judges. The second in which they were constrained to hear them themselves alone, which being a very great Burthen to them; the third was introduced by this Law, whereby they had Liberty either to hear them or cause others to do it at their Pleasure. But as for these *Pedaneous* Judges, they were so called because they judged on the Ground, or standing on their Feet (as below the ordinary Governours, or Judges, who sat upon Tribunals or Judgment-Seats) and they only had the Hearing of inferior Causes, but not

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ut ipso die  
affidit.

Ex clyptis  
hanc non  
fuit hanc  
Julian  
legem non  
ad  
fuit  
Grammatica  
ac Rhetorica  
sed etiam ad  
Medicinas  
pertinere  
fuit.

In quædam  
qui primo  
secunda in  
tertiopur in  
Editum postea  
Maximian  
Gothofredi  
de Officio  
Julian  
Provincie  
1. Tit. 7.  
2. Lex. Cod.  
3. Jul. de  
pedaneis  
Judicibus.  
Dati. 5. Kal.  
Aug. Antiochia  
Manuscripti  
Novitæ  
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Leg. 3. Cod.  
Jul. de  
pedaneis  
Judicibus.

Vid. Notæ  
tit. 3. lib. 3.  
Cod. Jul. de  
pedaneis  
Judicibus  
not

Sec. 5. not any Jurisdiction. So that our Courts of *Pæpoudres* something resembled theirs, both in Etymology, having their name also from *Feet*, and in the smallness of Matters therein determined.

20. But *Julian* now lying at *Antioch*, and considering as he himself faith, what Multitudes of People flocked thither, both upon his own account, and of the Magistrates which attended him, thought with himself how he might provide against the Scarcity and Dearth of Provisions thereupon like to follow. But herein he was acted by his Humour of Affectation, and Study of Popularity, which transported him into Courses superfluous, and founded upon no probable Reason, as *Ammianus* affirms, with this Observation, that a Cheapseller forced in an inconvenient way is wont to beget Scarcity and Famine. And the Magistrates of the City openly demonstrated to him that the thing could not be effected, yet would he not desist from his Purpose, being of the same Disposition, faith he, as his Brother *Gallus*, though not in point of Cruelty; yet for this Reason, he raged against them, though Mischief followed hereupon, as we shall see hereafter. But to maintain this Popularity; whatever these Courts were wherein the Citizens and he differed about bringing down the price of Provisions (of which *Ammianus* is silent) he had full Liberty to order his own House and Attendance as he pleased, so as to reduce them to a smaller Number, that less might suffice them. He began with his *Protektors* *Domestici*, of whom, some ever attending on his Person at Court, and others being allotted to other Quarters in the Provinces, as their Defence required; to the former fort, *viz.* those that were called *Præfentales*, or in waiting, he commanded by Man and Horse to be given; but ordered the rest away to their several Limits or Stations. Obliging the *Antiochians* in this point, whether they would or not, he took another Course wherein he also thought he gratified them, and that was in filling up their Court, or Senate, by forcing Persons to the Service thereof, a matter wherein he was very troublesome if not tyrannical (as *Ammianus* complains very much of him) that right or wrong, he would subject them to that kind of Slavery. Yet to say Truth, as to this particular relating to *Antioch*, he rather followed the Example of other Princes, than went on his own Head; as his Friend *Zosimus* would have him. The Eminence of this City, as being the Head and Glory of the *East*, had procured it divers Privileges from ancient Emperours; and amongst the rest, that if any one by the Mothers side was descended from those of the *Curia*, he should be obliged to the Services of the said *Curia*. This now *Julian*, by an Edict directed to *Julian* (his Uncle by his Mother and *Comes* of the *East*) both relates and confirms, but with this Restriction: In case the Father of the Party did not belong to the *Curia* of some other City; for if he did, the Son was obliged unto that; it being a general Rule in this as well as other Cases (Slavery of the Mother excepted) that the Son followed the Condition of the Father: but in Case the Father was not obliged to any *Curia*, but the Grand-Father by the Mother was to this of *Antioch*, the Son was also to be obliged, and that by this special Privilege. So of old there were Privileges granted to the Inhabitants of *Ilion*, whence the *Romans* were said to be descended; to those of *Dolph* the Place of the famed Oracle, as also to the Inhabitants of *Pontus*, by procurement of *Pompey*, that the Mothers Descent should there qualify Persons for Citizens.

21. But yet a little to explain *Ammianus* his meaning concerning his unjust forcing of Persons to these Services, there's another Law Extant concerning this Subject. Dated but six days after the former, and directed to *Julian*, not his Uncle, *Jul.* but one who was now *Consularis* of *Phœnicia*; except there be some Error in the Inscription. By this it appears, how little Equity luck could find at his hands, (as he writes of him) whom these Corporations sought to oblige to their Services, though, as to Original, they were utterly strangers to them; that if they were but Inhabitants in those Places, although they were *Decuriones* in other Corporations, yet the Claim, or Petition of the *Curiales* against them should be good; and consequently, a man might be *Decurio* in two places at the same time; he limits it thus far, that one who had only Lands or Possessions in a Town should not be esteemed an *Incola* or Inhabitant; although this Privilege was granted to some Corporations also that the very having Estates in them should binde to those kind of Services. Again in case they renounced their Habitation before they were named to the Court, they were not constrained to serve, though such renunciation after Nomination was utterly null. And lastly, their Habitation should

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A pied per  
Gallus, vide  
Cowell's interp.  
in voc.

Inter præfent  
tamen de foris  
illud agere su  
perfluum vidi  
batur, quod  
nulla probabili  
ratione,  
Suscipere popu  
laritatis amori  
dret.

L. 1. de Domestici  
et Protektors  
Julianus. Cod.  
lib. 6. Tit.  
24. Dat. 15.  
Kal. Septemb.  
Anst. à Cod.

L. 1. de Decurionibus  
Cod. Tit. Dat. 5.  
Kal. Septemb.  
Antiochia  
Anst. Indulgent.  
ant. 22. Cod.  
Jul. tit. 10.

L. 53. de Decurionibus  
Cod. Tit. Anst. à Cod.

Dat. 3. Non.  
Kal. Septemb.  
Antiochia  
Anst. de. Tit.  
Offici. Tyr.

Sec. 5. should not subject them to this Charge, if they had borne Arms and been Cap-  
tains in an Expedition, or else with the Title of *Senators* had also some Employ-  
ment belonging to Persons of that Quality. Thus we see part of what *Ammianus*  
writes of him, in Reference to Corporations, illustrated by the *Code*. Now as for  
what he is said to have done in the Point of reforming the Laws, in taking off their  
Ambiguity, and removing those Delays that were found in the Execution of them.  
As to this Matter we are furnished with another Edict, dated the very same day with  
this but now mentioned, and therefore thought to have been joyned to it,  
though it carries with it now another Inscription to *Secundus Sallust* the *Præfatus*  
*Pretorio* of the *East*. It had been of old held and observed for Law, that Copart-  
ners in Inheritances or any other thing might either sue or be sued altogether, or,  
though Issue had already been joyned one of them might prosecute or defend him-  
self unto Judgment or final Decision, without the Concurrence or Assistance of the  
Rest. Now this, in the time of *Constantine*, seemed hard; for otherwise it was ge-  
nerally received, that what concerned All was by All to be transacted: and it was  
taken for Law, that (\*) every Business was to be decided, all being present to  
whom it belonged. Otherwise the Sentence should only take Effect amongst such as  
were there, how evident and plain soever the Matter was. But although Sentence was  
given only for or against, such as were present, yet might those that were absent  
sustain great Damage thereby; for however erroneous the Sentence was, if the  
Absent should bring the Matter about again, as concerning themselves, the Ex-  
ception might lye against them that it was *Res Judicata* an adjudged Case, and pos-  
sibly those that were absent might be able better to instruct Council to make out  
something more than the other, which might be of great Moment in the Decision.  
For these and other Reasons, it seems, *Constantine* the Great had been advised so-  
far to abrogate the old Law in this Point, that if the *Consortes*, as the Law terms  
them, were in diverse Provinces, or under the Jurisdiction of several Judges, a *Pro-*  
cess should be put to the Suite, till all that were concerned could be present. But  
*Julian* now thought fit to repeal what his Uncle had therein done as giving ad-  
vantage to those that desired Delay and would not come to Trial. But whether  
to this and other Alterations moved always by Reason, or sometimes by his great  
Hatred to *Chi* and *Kappa* (this we shall tell the meaning of shortly) will perhaps  
more evidently appear hereafter.

In Appeals.

22. Further, to prevent Delays in Suits, by another Law he Commanded all  
Appeals legally made, to be admitted, and all the Acts concerning the Trial  
to be transmitted to the Office at Court, by one of the Officers of the *Vicar* of  
*Rome* (to whom the Edict is directed) within the space of thirty days, that  
they might be recorded; and this under the Penalty of Ten pounds of Gold,  
to be levied upon the Office of the said *Vicar*. Now *Constantine* the Great had al-  
lowed but twenty days for this transmission, but *Julian* thought good to enlarge  
the time, and herein was followed by other Princes. But as for such as did not  
Appeal within due time, and that upon pretence of Fear, against the *Præfatus*  
of the City, the *Pro-consuls*, the *Comes* of the *East*, or *Vicars*, by another Law made  
afterwards, he commands, that they be utterly barred: for he tells them, That as  
long as he Reigns no Judge shall dare to deny lawful Appeal to any that desire it: and  
in case he do, He gives further Direction for the Relief of the Parties. And where-  
as it was the Custom, that when any Judge, or Governour of a Province, met with  
such Difficulties in the Deciding of a Cause, that he could not of himself overcome,  
that then he made Report thereof to the Emperour, and consulted him for Expli-  
cation of any Doubt, or removal of such Difficulties in Law, or otherwise; *Julian* now  
found, that the Judges were wont to suppress or defer the said Reports. For en-  
forcement hereof, he requires *Mamertinus*, the *Præfatus* *Pretorio*, to Summon  
them within his District, and let them know, that Under penalty of Ten pounds  
of Gold, to be paid by themselves, and Twenty by their Office, they should  
cause the Report to be transmitted within thirty days expressly. But, forasmuch  
as those that carry such Reports, might be hindered by some Accident from making  
such haste as was requisite for fulfilling of this Order, to save harmless the Judge  
and his Officers, he will have it to be entered in the Register of the Court, what  
day it was that the Report was delivered to the Messenger. Further, in pursuance  
of the same Design, of cutting off Delays in Suits, by another Edict he declared,  
with reason, That after Issue joyned, the *Mandatum*, or Power given to the *Pro-*  
cessor, was not extinguished by the death of the Party; that there might be no need of  
beginning again. And in like manner he imposed a Mulct of a pound of Gold upon  
any

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Quod omnis  
linguis ab omni-  
bus tractatus  
est.  
Dig. lib. 1. l. 1.

L. xlv. de  
Domino rei  
sue propter  
hoc. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.

Th. l. 30.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.

L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.

L. 1. Cod. Th.  
lib. 2. Tit. 5.  
L. 1. Cod. Th.  
lib. 2. Tit. 5.

Sec. 5. any Advocate, that should, after Issue joyned, use a Dilatory Exception, which  
should have been used at the beginning.

In matters  
relating to  
Women.

23. He also amended the Law, or he would be thought so to have done, in some  
matters relating to Women. Of old time, the Lands and Houses of *Minors*, or those  
under five and twenty (for, by the Law of the *Romans*, Persons are not of  
full Age till then) could not be sold or alienated without a Decree in that be-  
half obtained, if they lay in the Country; and this *Constantine* the Great extended  
also to such as were within Cities. And for prevention of Mischief that arise  
to such *Minors* from the Fraud or Carelessness of their Guardians, he forbade Move-  
able things also to be alienated without a Decree, three Cases only excepted; as  
when things by keeping became worse, or there were Cattel belonging to *Minors*,  
that were useless; and if a Woman was married, though not twenty five complete,  
yet he permitted her Goods or Estate to be sold without obtaining a Decree, pro-  
vided the Consent of her Husband thereunto was had, and that certified by some  
Instrument or Writing: which is held good Law in *France*, at this day. By this  
Constitution did *Constantine* intend more fully to consult for the Security of *Mi-*  
*nor*s, than had been provided by the old Law, against the rash and heedless Sales  
of their Estates made by their Guardians: and herein was his Edict more singular  
and express, that in those Sales an Instrument was required, whereas ordinarily, in  
Buying and Selling, no such thing was necessary; and moreover, by this Edict, he  
gave the Woman remedy against her Husband, in case the received Detriment, yet  
so as the Sale should be assured to the Purchaser or Buyer. But *Julian*, being  
vehemently inflamed with a Zeal to the old Laws and Customs, not only relating to  
Religion but other matters, and burning with greater Hatred, if possible, to *Chi* and  
*Kappa*, (as some conceive) did, by a new Edict, Abrogate this part of his Uncle's Con-  
stitution (calling him both in this, and another, his Uncle *Constantine*) respecting  
Women, and would have the Old Law to be of force, that the Sale of any *Minor's*  
Goods whatsoever, whether of Male or Female, without the Authority of a De-  
cree, should be null; giving this reason for it, That it was more absurd for  
Wives to have their Husbands responsible for such Sales, who possibly should be  
poor, and not able to make satisfaction, than recover their own from these who  
had made such illegal Contracts.

24. In another matter relating to Women, he changed also what had been done  
either by *Constantine* or his Son *Constantius*. It had been a practice too frequent  
amongst those of that Sex, for such as were of free Condition, to joyn themselves  
to Slaves, out of indulgence to their carnal Appetite, and without any respect to  
their Honour, and ingenuous Condition. For prevention hereof, Order was taken  
by a *Senatusconsultum*, called *Senatusconsultum Claudianum*, that if, after they had  
been thrice admonished to forbear the Company of such as were of Servile Con-  
dition, they again offended in that kind, they should lose their liberty, be Slaves  
to the Lords of those of whom they had used the Company, and their Children  
also remain Slaves to them; according to the Rule in this Case, that if the Mother  
was a Slave, the Children should also remain in Servitude. Now this Law aimed  
at the prevention of two sorts of Mischief; both of Women, they offending  
against Modesty and Chastity, aggravated by the circumstance of the Slavery of  
them with whom they had to do; and also of the Damage the Lords of such Slaves  
often received thereby; for they might pilfer from their Lords the better to main-  
tain, or gratify such Wantons, and neglect the Business of their Masters, in spend-  
ing time to do that of their Mistresses. And this Damage was the greater, by how  
much the Employment to which the Servants were put, was of greater concernment.  
For, although Servitude did not, as Logicians say of Quality, receive *magis* or  
*minus*, but each Slave, in a strict sense, in what Employment soever, was as much in  
Servitude as another; yet betwixt an *Agent*, *Factor*, or he that drove the whole  
Trade of his Master, and a mean Scullion, or some idle Fellow, there was a vast  
difference, as to the Concernments of their Lords; and therefore he that inveigled  
such an one, and made him mispend his Master's Time or Money, was guilty of a  
greater Crime, and deserved more Punishment; neither was there need of warn-  
ing to be given in a thing of so palpable inconvenience. For those *Agents* or *Fa-*  
*ctors*, by them called *Absores*, and *Procuratores*, had often the whole Estates, and  
Concernments of whole Families in their hands; and thence it came that the Law  
was very cautious in points relating to them, for the Sake of those that ought them.  
If a Legacy of a Slave was left to any one in general Terms, this *Absores* or *Agent*  
must not be understood to have been bequeathed; and in Case of an Injury done  
to

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L. 1. Cod.  
Th. de Excep-  
tionibus lib.  
2. Tit. 36.

L. 3. de Con-  
trahendis Em-  
ptionibus Cod.  
Th. lib. 3. Tit. 1.  
L. 1. Cod.  
Th. lib. 3. Tit. 1.  
L. 1. Cod. Th.  
lib. 3. Tit. 1.

L. 4. de S. C.  
Claudianum.  
Cod. Th. lib. 4.  
Tit. 9.  
L. 1. Cod. Th.  
lib. 4. Tit. 9.

Partes sequunt  
ventrem.

Vide Cod.

Sect. 5.

to a Master in the hurting of his Slaves, diffinition was made by the Law betwixt such an one, and others of meaner Abilities or Employments. In like manner, did the Emperor *Constantine*, or his Son, think fit to make a Difference, and, as appears from *Julian's* Edict, ordain, either that less Warning, or none at all, might be given to a Woman that accompanied with Slaves of this Nature. "But *Julian* by another Edict repeals all Constitutions made to this Purpose, and requires that the Denunciations be made to a Woman so joyined to any of servile Condition whatsoever, if Slaves to private Persons. Further, as *Constantine* thought fit to be more rigorous in this point so in another to be more moderate, and abate the Severity of former Laws towards Women, in what more nearly concerned himself, his own Profit and Revenue; though as to the Interest of Subjects he was severe. For in case any Woman accompanied with a Slave belonging to his Treasury, or his Lands, he ordained in a large Edict most full of Clemency (wherein he cast several Burthens from off the Shoulders of his Subjects, both in Reference to the Laws and Debts owing to him) that such should not lose her Freedom; yet that some sort of Punishment there might be, He declared, that though her Children should not be Slaves, yet they should not enjoy so full and ample a Liberty as other Persons, but be in a middle State betwixt Slavery and Freedom; as were those who were called *Latini*, or *Spurii*; being as it were free amongst Slaves, and Slaves amongst Freeman, and the Lords of their Fathers should have a Right of Patronage over them, as Masters were wont to have over those that had been enfranchised, on which here we must not insist. But this *Julian* thinks fit also, by the same Edict, to repeal; so "great was his Love to the old Law, or Hatred to something else.

About the  
Scriniarii,And other  
matters relating  
to *Africk*.

25. Again, *Constantine* had appointed the *Scriniarii* of the four *Scrinia* of the Palace by twenty years Service to be freed from Obligation to the Charges of Corporations: but *Julian*, though cross also in the Matter of Corporations to the other Extreme, will have this Term contracted to the Space of Fifteen, by a Law which *Arcadius* the Emperor afterward confirmed. Other Laws he made for the Ease of the People; and in this kind also is remarkable a large Constitution for the Benefit of those of *Africk*, who were harassed with heavy Impositions. The first part of it hath Relation to the High-ways, which being repaired after several Methods proved a great Grievance to some sorts of men, and were for want of a certain and settled Course far worse maintained. In some Places, the Officers called *Magistri* *Pagorum* were wont to force those that were Inhabitants in their Villages to work at them: In others, certain Parts, prescribed within certain Bounds, were allotted to be kept in Repair, to those whose Lands lay near to them: and this Course *Julian* approves of as most equal, being founded upon ancient Custom, a thing of which he was so enamoured. There was another great Abuse in the *Cursus Publicus*, of which the Officers named *Mancipes*, plaid many Pranks with the Provincials; being those who managed the Course, that none should exceed what the Laws allowed in the Use of it, who took Care that Horses and other sorts of Beasts should not be wanting to the Course, nor Fodder and Provender to the Cattel. Endeavours were used formerly by sundry Laws to keep them from oppressing the Subject; and now for the time to come, he ordains that they be under the Command of the *Proconsul* of *Africk*. Moreover it was the Custom for great men, and Governours of Provinces, both to burthen the Course it self, and miserably to afflict the Countrey by preffing of Carriages to convey Marbles for the sumptuous Building or Ornament of their Houses, though not feared upon the *Roman* Cawseys or publick Streets, but at good Distances, which he condemns and forbids as a most audacious Practice; and prohibits the Removal of Pillars or Statues of what Materials soever made, that Places may not be deprived of their Ornaments. But the best comes last, or that wherewith the Provincials of *Africk* were most pleased. This was a Pardon or Remission of all Dues to the Treasury: yet with the Exception of what was wont to be paid in Gold or Silver. It was the Custom for Princes to pass such Acts of Grace for weighty Reasons; as, if Lands had been deserted; if overrun by Enemies, or been too much burthened and exhausted by publick Payments. And though *Julian* was sparing in granting such Indulgence, as what was wont to serve for Esteem to the Rich, and little to the Relief of the Poor; yet herein he also imitated his Predecessors, but with Limitation, both as to the Things and Places indulged; for, his Grants of this Nature were commonly so partial as to the Dues behind, and granted only to particular Countries or Places, *Julius* which yet other Princes also sometimes practised. Some other Laws he made here at *Antioch*, for the filling of Corporations, to which Work he was with so much

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L. 3. ad St.  
claudianum.  
l'ide Comm.L. 1. de Proxi-  
mis, Comitiis  
Dispositional  
Pro. Cod. Th.  
lib. 6. tit. 26.  
Abst. l. Cod.  
Just.Dat. 7. Kal.  
Nov. Antiochie,  
ad Avilianum  
et Avilianum  
Pro. Cod. Th.  
lib. 1. tit. 30.  
Aprili. Kar-  
thago, Juliano  
et Salustio  
Cof. A.D. 362.  
L. 2. de lincur  
de manibus Cod.  
Th. lib. 15.  
Tit. 3.L. 15. de Cur-  
su Publico Cod.  
Th. Abst. l.  
Cod. Just.  
L. 7. de ex-  
ceptis Cod. Just.  
lib. 6. Tit. 10.L. 2. de No-  
dasignis Pri-  
vilegiis Cod. Th.  
lib. 1. Tit. 28.  
Abst. l. Cod.  
Just. Prius  
which yet other Princes  
also sometimes practised.  
L. 53. de De-  
cationibus Cod.  
Just.

Sect. 5.

fection inclined, directed them to nominate the Sons of the *Decemvires*, and such amongst the ordinary sort as had sufficient Estates; for want whereof, he nulls the Choice of some that were lately elected. And for better Encouragement of all, who to comply with his Humour, had joyined themselves to them, he declares that they shall not answer for the failings of such as were made Recruits of the publick Revenue amongst the *Decemvires* before their Admission, but only those to whose Oversight or Negligence it was to be imputed, that such unfitting Persons were intrusted with an Employment of that Consequence.

26. Thus have we illustrated out of the Laws themselves, so far as concerns this Year, what *Ammianus* writes concerning *Julian's* Endeavours in this Kind, and that in Reference to civil Matters while he staid at *Antioch*. Concerning his Complaint of his Rigor towards the Professors of Christian Religion, both in that he mentions and other Particulars much more will in due Time and Place God willing, be produced also out of his Laws, and his other Writings. Now to take up the Story of that Author where we left it, while he staid at *Antioch*, *Gaudentius* the Notary, who had been sent into *Africk*, to secure that Country against him, by *Constantius*, as also *Julian* who had been *Vicar*, and was esteemed too much a Favourite of the same Party, were apprehended and put to Death, as *Artemius* who had been *Dux* of *Egypt*, upon Accusations of the Citizens of *Alexandria*; but how justly, and what thereupon followed about *George* the Bishop must be examined in a more proper Place. But now began he to be much inflamed with a Desire of prosecuting the *Perisan* War, considering how that Nation had for sixty years last past miserably harassed the Eastern Provinces, and defeated several Armies that were sent to restrain them, which raised up a Desire in him of Revenge and this was farther heightened by an earnest Ambition to grace his former Achievements with the glorious Surname of *Parthicus*. There wanted not those, who perceiving what vast Designs he had in his Head, and what great Preparations were requisite for bringing them to pass, much blamed his Ambition, and taxed it as dangerous and absurd, to cast the Empire into such Difficulties and Dangers, only for the Humour of one Man, that he might domineer over more Animals; and that murmured to the Appetite of one single Mortal, so many Persons must be sacrificed; which however *Ammianus* blames in them as spoken out of Malice and Sloth, yet is agreeable to the Sentiments of any who bear a Regard to the Preservation of Mankind; for though some Wars be necessary, and the Duty of a Prince, yet boundless Ambition and Desire of Conquest are Passions which humane Nature cannot but abhor, as producing Effects contrary to its best Preservers, which are Peace and Union; and strangely unequal so as to gratify and tickle the Fancy of one small Creature (considered in himself) with a conceit of its greatness, multitudes of men or a great Part of the world must be disturbed and brought to Misery. These Persons though they durst not speak themselves, yet by suggesting divers Objections to others who they knew would tell him, endeavoured to divert him from his Purpose, urging this especially, that if he would not find Bounds to his Heat this way, he would miscarry as the luxuriant Corn is wont, through immoderate Prosperity. But all their Endeavours proved unsuccessfull, or they barked in vain (against a man *Ammianus* tells us, who was not to be moved by secret Injuries) even as *Pigmes* or *Thiodamas* of *Lindus*, that Clown, against *Hercules*.

27. For he slackened not at all either of his Zeal for the prosecution of the War, or his Preparations in order to it: But, our Historian confesses, he shed too much Blood, and too often upon the Altars, in order therunto, sometimes sacrificing hundreds of Bulls, and innumerable Doves of other Beasts, and white Birds, all he could compass both by Sea and Land: insomuch, that (notwithstanding all his Labours for the Discipline of his Army, so much talked of, amongst other things) almost every Soldier, and that almost every day, glutting himself with meat, and drinking with as much greediness and Excess, was carried upon the shoulders of such as casually met him, from the Temple wherein they Feasted, through the Streets, to his Quarters; and especially the *Penitantes* and *Celte*, who, having come along with him out of the West, were grown confident above measure. The Rites and Ceremonies of this his Religion, were increased also beyond all Moderation, and consequently the Expence thereof to Sums unusual and burthensome; and every man that would make profession of the Art of Divination, how skilful or ignorant soever, without any Bounds or Rules prescribed, was permitted to seek for Answers, and consult the Entrails, which sometimes afforded Predictions of all sorts; and these were every where sought after, and that all manner of ways, with affected variety. And, out of his great

Curio-

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L. 54. mod. Tit. 26.  
L. 1. providendum  
off. 22. Cod. Just.Also we indit  
purs Angles  
militis carnis  
dispositione fac-  
tione videntur  
res incedunt  
pasque evadit  
tate Corporis  
humoris languis  
et transmutantur  
etc.





Sec. 5. suddenly out of his Chamber, and his Physicians advised him to vomit up<sup>4. D.</sup> his Supper, which he did, but no great Quantity; for much he had not eat.<sup>362.</sup> en; but he was better after it, had a reasonable good Night, and was fit for any Business the day following. After this Parilian Story, he falls in direct terms, though in a jeering and drolling Vein, upon the *Antiochians*, telling them that the Rusticity of the *Galls* could easily bear his Humour, but a rich flourishing and populous City as was theirs, in which there were more Dancers, Fiddlers and Players than Citizens, but no respect nor Modesty shewn toward Princes, would not endure it. Lazy and luxurious Persons might be ashamed to do, what it was lawful for them, being so gallant and valiant Persons, to practise; as to spend both Morning and Night in Revelings, and by Deeds, not words, to demonstrate that they had small Regard to the Laws: although Laws are made for the Sake of Princes, and he that injures a Prince doth fill much more offer violence to the Laws. But this was their Practice, (both of Magistrates and People) in the *Forum* and Theatre, and all agreed together in being spruce and neat, and setting more by their Bathes, their gay Cloaths and rich Beds, than by Justice and Honesty. And matters thus standing he makes them ask the Question of himself, whether he thinks that that his Rusticity, Inhumanity and Rigidness can well agree with these Pleasures and Delights, of the Place, and whether he be so silly as to imagine that his little Court can be adorn'd and accomplished by Temperance? For, first for Temperance what it was they knew not, only they had heard of the Name. Indeed if it was that which he endeavour'd after, it consisted in Obedience to the Gods and the Laws, in living in equal Right with ones Equals, if a man was excellent in any thing yet to carry it humbly, in taking care to provide that the Poor should not be oppress'd by the Rich, in bearing all sorts of Troubles patiently, as Enmities and Reproaches; without indulging ones Anger or Revenge; in governing and correcting ones Passions; and (if that may be accounted a sort of Temperance) in abstaining openly from all pleasure though otherwise neither dishonest nor scandalous; for as for him, he was of Opinion, that *No man ought to be esteemed as Temperate at home, who was dissolute abroad and took Pleasure in the Theatres.* If this be Temperance, then he ruins both himself and them, who cannot endure so much as to hear the name of *Subjection*, neither towards the Gods nor towards the Laws; Liberty being sweet in all Cases.

31. After this he feigns them still railing upon him for his Dissimulation, in that he denied himself to be their Lord; would not endure that Name, nay, was angry if he had it, inasmuch that many through his Procurement had left that word out of all Matters relating to the Empire; however formerly accustomed to it; and yet he compelled them to be Slaves to the Magistrates and the Laws: how much better would it be for him to admit the Name of Lord, and indeed and in Reality suffer them to be Free-men. But this he was so far from, that he undid them, by confining the Rich in Courts of Justice, to use moderate Courtes; by depriving the Poor of the Liberty of calumniating their Betters, and by putting away Stage-Players, Dancers and the like, so that they received no good at his Hands, except it was this, that having indulged this odious Severity now seven Moneths, they had committed Vows and Prayers, to be freed from such Mischiefs, to the Management of old Women that were conversant about the Tombs of dead men. And further had the Satisfaction of their Jest and Taunts to wound him no less, than with so many Darts. What Follows is to the same Purpose, driving at this manifold Variety of drolling, to represent himself as a most virtuous Person, one practised in the highest Degree of Philosophy, and the Citizens of *Antioch*, as Enemies to him upon this Account, and esteeming it slavery to be Subject to the Gods (as he calls them) to the Laws, or him; and as for governing their Wives and Children, as to give them Liberty to do what they listed, and train them up even to Rebellion. Further having received some Taunts not only in Reference to his Beard and affected Clownishness, but his Opposition to Christian Religion, he endeavours in the same way to answer such Matters as were objected upon that Account. It was a common Saying amongst them, that *Chi* and *Kappa* had done no Hurt to the City though he had injured both the City and them. He tells them it was hard to unfold this Riddle, but having got some Interpreters of their own, he had learnt the beginning of some Names to be signified by these Letters; as by the

Sec. 5. the one that of *Christ*, and the other that of *Constantius*. To this he replies<sup>4. D.</sup> that in one thing only *Constantius* had done them an Injury, that when he<sup>362.</sup> made him *Cæsar* he had not put him to Death. And as for other Matters, he wiles that to them only of all *Roman* Subjects the Gods would give many *Constantii*, or rather to be made lyable to the Rapines of his Favorites, In Reference to what had passed between them two, *Constantius* was his Kinsman and his Friend, and after he chose to be his Enemy, and the Gods had decided the Quarrel very favourably on his Side, he was a more faithful Friend to him than before they fell out he could have expected to find him. And therefore he demands why they should think he was ill pleased to hear him well spoken of, when as he was angry with any one that discomfended him. He perceives they had chosen *Christ* for their Tutelary Deity, in the room of *Jupiter Daphneus* and *Calliope*: gives those that professed his Religion the Title of *Gallileans* (in which he prides himself and thinks he meets with them in all his Writings) most impiously calls it the Sect of Impiety, and adds that the greatest part of the People, nay indeed all, embracing that Sect was angry with him for owning the Religion of their Fore-fathers, and adhering to it. That the Rich were displeased, for being prohibited the Sale of their Commodities at too dear a Rate, and all in General out of Respect to the Dancers and Stageplayers; not for that he had wholly deprived them of the Use of such, but regarded them less than the Frogs that croaked in the Fens.

32. But he comforts himself with a Story of *Cato*, who had been formerly offended with the Idleness and Luxury of the *Antiochians*, and exclaimed against the Place as a miserable City upon that Account. Now he tells them, like a pleasant Droll, that they must not wonder at him if he had the Misfortune, being of a more rough Humour than *Cato* himself, and one that exceeded him as much in blunt Boldness as the *Galls* did the *Romans*. For *Cato* being born at *Rome*, converse with his own Fellow Citizens all his Life; whereas he, as soon as ever he could write man, was sent away to the *Galls*, *Germanians* and into the *Hereynian* Forrest, where he spent his Time as it were in hunting and waging War with wild Beasts; and thence contracted an Humour which very ill befitted a Courtier; could not flatter, but was only skilled in living plainly and freely with all men. Before that he had such Education as was fit for Childhood, he had been trained up in the Books of *Plato* and *Aristotle*, at such years as were more proper for a delicious kind of Life, and he infits very much upon it to declare, how his Master laboured to show him the Vanity as off of all Pleasure in general, so of the Sports and Plays which were usually seen on the Theatre. When a full man grown and preferred, he had lived according to his own Way and Rule with most fierce and Warlike Nations who knew *Venus* and *Bacchus* no further, than for the Sake of Marriage and Procreation; And drinking only so much Wine as was agreeable, and might lawfully be used; where no Obscenity was practised on Theatres, nor Mimicks trode upon the Stage. But these Nations (the *Galls* he means) loved him for his agreeable Disposition, that not only they took up Arms in his Behalf; but gave him Money, and often forced him to receive it, and what was best of all, they were obedient to him in all things. Thence, saith he, it came to pass, that my Name with great Glory and Renown sounded in your Ears, and they all proclaimed me to be a Valiant, Prudent and Just Person, who knew not only how to govern in War, but in Peace also; and moreover they said: I was easie of Access and Gentle. But you, the *Antiochians* have treated me in a quite contrary Manner. You say I have overturned the World, whereas I know nothing one way or other subverted by me: then, that Ropes may be made of my Beard; and lastly, that I have denounced War against *Chi* and with I may do it against *Kappa* too. To what he acted against *Christianity*, he opposeth what they had practised against *Paganisme*, and relates some Passages, which, in the Place proper to them, must not be omitted. In the latter End of his Poem, from drolling he defends to down right and most earnest Expofitulation, and shews himself most grievously nettled with the stinging Letters that were cast abroad.

33. Yet this he tells them they might freely do, for he would neither cause them to be killed, beaten, nor imprisoned for so doing. But to continue his Expofitulation, he further urges the Mildness and Modesty both of himself and his most familiar Officers. Neither he nor they had meddled with their Lands or

Sect. 5. Estates, nor been at all taken with those they esteemed very fine things amongst them; they had neither abused their Magistrats, nor suffered them to abuse the Citizens, but to the City been the Authors of Immunity and great Plenty and thereby afforded Leisure even to such as had Libelled against them. No Silver nor Gold had been exacted, nor Tributes increased, but besides Arrears, a fifth part of the usual Customs and Imposts had been remitted; for, not thinking it sufficient to be indulgent this way himself, he had got an Officer that managed such Matters, the most moderate and abstinent of all others, though they abused him for the Hair of his Head, as well as they did his Master for his Beard. Moreover, he had five more, that were near him, fully as virtuous as he, whereof the one was his Uncle of the same Name with himself, who had, with great Justice and Moderation, formerly governed them of *Antioch*, and, though with no great Prudence, ordered the Affairs of the City. By such Courts as those he thought he might sufficiently approve himself, and seem lovely enough to their Eyes; but seeing at length the Neglect of his Hair, his Hatred to the *Spectacula*, his Endeavour to preserve Gravity and Decorum in Temples, his Care to maintain Justice in Courts, and his Desire thence to banish Avarice, had so much set them against him, he would very willingly be gone from them; for as much as he could scarcely expect that with Age and Continuance his Humour would be sweetened. And here he tells them a Fable of the Kite, who having once had a Voice like other Birds, would not therewith be contented, but must needs endeavour to neigh like an Horse, and by endeavouring after the latter, lost the former Faculty, and became inferior to all his winged Brethren; which case would be his; for, endeavouring to be courtly, if he should miss of his *Courtship* he might also possibly fail of down right dealing.

34. And now he turns down right indeed, conjuring them by his Immortal Gods, by *Jove* the President of the *Forum*, and Keeper of the City, to tell him what Cause they had to show themselves so ingrateful and bitter against him. He demands what Injury either publicly or privately he had done them, that he not otherwise able to hurt him they daily so reviled him in the *Forum*, whom though it was in his Power sufficiently to hurt, in a larger way of retaliation, yet he chose to return them their own, in their own way of Invektive, though formerly he had been so far from any such thing that he had studied their Commendation, so far as stood with the Prudence of an Emperor. He had laboured to deserve well of all; though it was impossible to please every individual man, or the City it self in every individual thing. For, to such as paid Customs, all Duties of that kind could not be remitted; nor all given, to those Officers that were employed to receive them; but he had kept a Mean, so as to require what was necessary for the Publick Expence, and also been very bountiful in remitting of Tributes where he saw convenient. Out of his great Kindness and desire to deserve well of them, though they were the last of Cities that sent to congratulate him, yet had he forgiven them far more Money than to any others; and, besides, had increased the number of their *Senators* or *Decuriones* to two hundred; and not spared his own Officers, but given up those that were employed in his Revenue, to undergo the Burthen of their Corporation. But whereas out of his Design to make their Corporation greater and richer, he had endeavoured to fill their Court with able men, they had taken another Course, which indeed better suited with an ill tempered City and their own universal Demeanour: and he instances in a pitiful beggarly Fellow they had chosen, but such an one, as through the great Prudence of them, the City Governours, made merchandise for them, of the miserable ordinary People. Now because he would not suffer them thus filly and knavishly to manage their Elections, he had lost utterly all thanks for his former Favours, and they were angry with him. But yet this was not the thing that rendered them so implacable; there was another Matter of greater Concernment. When he came first to Town the ordinary sort being oppressed by the Rich, received him with Clamours against the Dearth of Victuals. The day following he discoursed with some of the better sort and endeavoured to persuade them, that omitting their universal Exactions they would consult the Good of their own People and Strangers both, which they promised should be done. Hereupon he made no more stir about it; but for three Months expected the Performance of their Promise; but then perceiving the Complaint of the Poor not to have been without Reason, and that indeed there

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Sect. 5. was not such Scarcity of Provisions as was pretended, but the Avarice of the Rich was the greatest Cause of the Mischief, he set a moderate Price upon Commodities by a publick Edict.

35. And whereas the Grain of which there was any real Want, was Wheat, caused by the great Drought of the preceding year, he sent and procured a Supply from *Chalch*, *Hierapolis* and other neighbouring Cities, to the Value of four thousand Measures; which being spent, he furnished them first with five, then with seven, and afterward with ten thousand *Modii*, out of his own Granaries which had been sent him from *Egypt*, and took for every fifteen Measures but the Rate they were wont to pay for ten, viz. one *Aureus*. Hereupon ensued Plenty of Bread; not only for those in the Town, but Country too, who flocked to buy it, with which the richer sort were so ill pleased that their Trade failing them at home, they sold their Corn into Foreign Parts, and hence must necessarily follow a Famine in Winter, and the same Price must be paid for five as now were for fifteen Measures. However he thought he had done very well; and further, as should appear from the latter End of his Invektive, which is something difficult to be understood, as he had by his Care made Plenty of Wheat, so by an Edict he had lessened the Prices of other Commodities, as Wine, Oyl, and other things; whereupon the rich Merchant who trafficked in such Matters, kept them up and would not sell them; which again caused the Emperor to be rail'd on, though he had done it for Relief of the Poor, and for the Ease of those Strangers which flocked to the City upon his Account, as also of the Magistrats and Judges that attended him. But now he tells the *Antiochians* that since those Persons were returned home, and all the City had bandied against him, some out of Hatred, and others whom he had provided for, out of Ingratitude, he would commit all to Fate, and get him gone to some other People; not upbraiding them with what had hapned ten years before, when in a Tumult the People had offered Violence to the Magistrate. Yet he cannot but again ask the Question, for what Reason they were so violently bent against him? If it was because he had fed them at his own house, which hitherto had not been indulged to any City, and that so plentifully and magnificently? If it was because he had increased the Number of their Corporation? Or for that he had punished such Thieves as he had found amongst them, according to their Merits? There were three thousand Acres of Lands, it seems of that sort called *Caduea*, or for want of Heirs fallen to him; and these Grounds being, as they said Barren, they had begged of him. When they had got them, the richer sort justified out the Poor, and kept them to their own Use, which he having understood, took them from those that had no Right to them, and appropriated the best of them to those common Expenses of the City which were of greatest Burthen and Concernment. And now, faith he, you that keep Horses all the year, have the Common of almost three thousand Acres partly through the Prudence and Diligence of mine Uncle *Julian* and partly by the Bounty of my self, who having in this Manner chastised Thieves and Cheates, may very well be said by you to overturn the World; for Lenity and Clemency toward such as these, believe me, do cause the Naughtiness of men to increase. Wherefore now I come to what I would be at. I my self am Author of all these Mischiefs, in being bountiful to ingrateful Persons. And therefore all is to be attributed to mine own Folly, and not your Freedom. And therefore for the time to come, I will endeavour to be more prudent and cautious in my Carriage toward you: and I pray the Gods will requite you suitably, for the Honour and Good Will, which I have publicly found at your hands.

36. Thus doth *Julian* end in earnest, however he began in Jest, his bitter but most elegant Invektive. The Pluck the *Antiochians* gave him by the Beard, did so much twitch him, that it made the Tears stand in his Eyes, however he thought to put it off with Laughter. The Substance of the whole Invektive we have given, though the Length thereof be somewhat improper, because it gives Light to the Laws and History of this Prince, and possibly discovers something of his Humour, which this Passage betwixt him and the *Antiochians*, if you will believe a Native of this Place, *Ammianus*, seems well to make out, in that he saith he was wilful and not to be diverted from his Purpose, being like to his Brother *Gallus*, although not bloody. That he did not indulge his Passion in Killing, Beating or Imprisoning his Subjects (as he tells them he would not) for libelling against him, and reviling him in the *Forum*, he is really, nay much to be commended for his Clemency; for the

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Considerations upon his Invektive.

His Julius  
Prefectus Praet.  
Rector, Edictum  
frater antia  
Prefectus  
epist. parati,  
Vellus Cumes  
Oriensis, Mac  
marius & M  
vittius & V  
de Velleis in  
Aen. ad p. 237.  
Amman.

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Laws was very severe in such kind of Offences, though committed against private men. But as to the Merits of the Cause, and Controversie betwix him and the City, although his deserving well of them as to several Indulgences ought to be acknowledged, yet an indifferent Judge is rather to hear others, than either of the Parties concerned. The great Matter of Offence and Enmity betwixt them was that of the Provisions, or his bringing down the Price of Commodities, which, however he said he did it out of a good Intention, yet *Ammianus* tells us it was out of Love to Popularity; and that unreasonable or forced Cheapness, is often the Cause of great Want: As also that the Corporation openly shewed to him, that the thing could not be effected; and yet he persevered in his Humour. Another matter about which they differed was the Filling of the Courts; and though they might be in the Error as to that particular Person he mentions, yet if we give Credit to the same *Ammianus*, who was also his no small Friend, we must believe him in this point to have been much to blame, and guilty of the greatest Error (in civil Matters) committed during his Government; for however he boasts of his filling up the Number of the *Decuriones* to two hundred, this Writer tells us, that right or wrong he compelled Persons to these Services, and therefore herein he overdid, and they that understood them and were upon the Place, and had been exercised themselves in them, were the ablest to distinguish of fit Persons. So stood the Case, and the Cause of the misunderstanding; as to the Effects thereof, *viz.* Invectives, Libels and Railing on both sides, there is no Excuse to be made, if we consult the Equity as well as the Rigour of the Laws, as we said, on their part. But that his Affectation made him ridiculous is evident enough from the Testimonies of his Friends: his Affectation as to Philosophy and Eloquence was vehement, and this caused him both to wear so great a Beard (though an Emperor and a professed Philosopher vastly differed) to pride himself in it, and write this Invective as an Apology for it; for considering his Humour, this gratified his Affectation and this way of Revenge pleased him ten times more than Cruelty could have done; for there did not lye his Temptation at this time. As for what he returns upon them; which is their Luxury, and that the Hatred they bore him proceeded from the Aversion they had to his Virtue, or the Strictness of his Life; if such it was, as he sets it forth, the Love and Respect they bore to *Chi* and *Kappa* will not bear them out in it; the Principles of *Christian* Religion more than of any other, (more than those of his Superstition) contradicting all Excess in any kind. *Ammianus* an *Antiochian* gives us an heavier Censure of his *Misopogon*, (yet possibly something concerned for his Country, though an Eye-witness it may easily be granted of all those Passages) that reckoning up with malicious minde the Faults of the City, *He added many things to the Truth*. However, lest we should be suspected of this other Extreme, in not relating the best, he sayeth for his own Advantage, we have chosen to trespass in being tedious upon this Subject.

35. Notwithstanding, he still found many things facetiously said against him, which though he was constrained to dissemble, inwardly he swelled with Anger. For they laugh at him as a *Cæcrop*, a kind of Dwarf, stretching out his Shoulders, thrusting forth his Goats Beard, and yet strutting like some Brother of *Onus* and *Ephialtes*, the Tallness of whom *Homer* vastly extolled; They termed him *Vidmarinus* in Reference to the Multitudes of his Sacrifices; and that deservedly; for out of Ostentation he prided himself in carrying Oblations or such like things, as the Priests used to do, attended on by silly Women. Though he inwardly fretted for being twitted for this Vanity, yet he concealed his Indignation so far as to finish the Solemnities. On a certain Festival he ascended the Woody and steep Mountain *Casus*, whereon at the second Cocks Crow, the Sun was to be seen; and there, as he was sacrificing to *Jupiter*, he espied a Man lying prostrate on the Ground, who begged his Life and Pardon at his Hands. Upon Enquiry he found it was one *Theodotus* of *Hierapolis*, who having amongst the *Honorati*, or those who had borne Civil Offices, brought *Constantinus* on his way from the City, basely flattered him, and with feigned Teares and Groans besought him, as one who without any Doubt would prove Victorious, to send them the Head of *Julian* that ingrateful Traytor, in the same manner as he remembered that of *Magnum* to have been carried about in Triumph. To this Request, he answered that he had heard from many how guilty he had been as to this Matter, but bade him go in safety to his own House, and live free from all Fear, through the Clemency of the Prince,

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who as a prudent Man, had determined and was very ready to diminish the number of his Enemies and increase that of his Friends. Having finished his Devotions and departed thence, he received Letters from the *Præfēt* of *Aegypt* wherein was signified the joyful News, that *Apis* the Ox having been fought for with great Labour and Diligence, was found; which the Inhabitants of the Country reputed a lucky Sign of a fruitful Year, and diverse other Advantages. But the present year thus ended, or that of the *Consulship* of *Mamertinus* and *Neutis*. In that which followed, he took the Title the fourth time, and for his Colleague assumed the *Præfēt* of *Pretorio* of *Gall*, which had not been known of a long time of *Dioclesian*, and *Aristobolus*, as *Ammianus* writes, but by a Mistake. And this his fourth *Consulship*, he resolved to render famous to Posterity by Acts of no small Moment. Besides his Preparations for the *Persian* War, he forgot not his Enemies *Chi* and *Kappa*, though in a more clandestine and cunning way as yet he acted against the Followers of the Former. If he could restore the Temple of *Hierusalem*, the old Services and Sacrifices of the Religion once practised there, it would be a great means and Argument against the Growth and Truth of Christianity, which was supposed to succeed it, and arise upon the Ruines thereof. This he was resolved to do whatever it cost him, and committed the Care of rebuilding the Temple there to *Alypius* an *Antiochian*, who had formerly commanded here in *Britannia*. And *Alypius* earnestly prosecuted the Work, and was therein assisted by the Government of that Province; but (it is *Ammianus* that tells you) dreadful Balls of Fire broke out from the Ground where the Foundations were laid, and consuming the Works made the Place inaccessible, and so the Element making vigorous Resistance, the Design miscarried. Of which more hereafter.

38. Now was he complemented from the *Senate* of *Rome*, by Persons of considerable Nobility and Merit, whom he accordingly rewarded. *Apronianus* he preferred to be *Præfēt* of that City, *Odavianus* to be *Proconsul* of *Africk*; and *Vennusius* he made *Vicar* of *Spain*, as also *Rufinus* *Arabian* he promoted to be *Comes* of the *East*, in the room of his Uncle *Julian* lately deceased. But being so wonderfully superstitious he was now terrified by divers unlucky Signs, as he and his esteemed them. *Felix*, you must know, the *Comes* *Largitionum* suddenly died of Bleeding, and him *Julian*, *Comes* of the *East*, not long after followed. Now the Common People looking upon the Titles of the Emperor, on Purpose, or unwittingly, or it's not material how, read and spake thus: *Julianus*, *Felix*, *Augustus*, for amongst the ordinary Titles *Felix* came in and usually preceded *Augustus*; so that it was taken as ominous, that he who was *Augustus* should be reckoned with *Felix*, and with *Julian* too, both who were dead. By this he entered the Temple of the *Genius*, one of the elder Priests suddenly fell down dead, which his Flatterers near him interpreted to portend the Death of the elder *Consul*, but it rather signified that *Consul* who excelled in Power more than Age, as the Event showed: moreover *Constantinople* was shaken with an Earthquake, and the Books of *Syphila* at *Rome* forbade the Emperor to go beyond his own Territories this year, all which were accounted unlucky, and used as Arguments to dissuade him from the Expedition; but in Vain. As he could not be utterly discouraged by those Passages so neither receive any greater Encouragement from the Offers now made him of Assistance by many Nations; the Ambassadors of whom he sent back with this Answer, that it did not become the *Roman* Empire to thrive by the Accession of Foreign Aid; but to assist its Friends and Allies in their Necessity. Only *Asaces*, King of *Armenia*, he commanded with a sufficient Power to attend his Motions, and expect such Orders as he should shortly send him. Then did he, ere Spring was advanced to the Height, send the Command for his Forces to pass *Euphrates*; which accordingly they did, and being quartered about as Convenience directed expected the coming of their Emperor from *Antioch*.

39. Before we fetch him thence, we must enquire what he did farther there the Beginning of this year, supposing him employed in more Affairs that what related to the Imposition of his *Misopogon*. But several Matters therein contained, whether said by the *Antiochian* or himself, we find still explained, limited or confirmed by other Laws he made before his Departure. Though he was so indulgent to that City, as he said himself in Relation to Tributes remitted to him, and Grounds given them; yet it concerned him to have a Care of the publick Revenue, and that this he had, we find by two Laws made for Prevention of Abuses in this kind; for when Grounds were sold; sometimes the Vendor or Gi-

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Sec. 5. ver to every man. The Foot he committed to the leading of *Vitor's* and the Horse to the Conduct of *Hormisdas* a *Persian*, whom the King his Brother having very injuriously treated, he had fled to *Constantine*, and after several ample Testimonies of his Fidelity, been preferred to great Commands; but yet with him he thought fit to joyn *Arintheus*. Having accepted the Aid which the *Saracens* willingly offered, he marched for *Cercinsum* (in the Scripture *Caracenis*) which he entered in the Beginning of *April*. This was now a very strong and neat Town, the Walls whereof were strengthened by the Rivers *Abora* and *Euphrates*, which circled it in the Fashion of an Island: for formerly being little and weak, *Dioclesian* had fortified it with Walls and Turrets at such time, as he ordained more inward Limits upon the Confines, to prevent the Incursions of the *Persians*, who had lately done very great Damage to the Provinces. While *Julian* here lay and employed himself in passing his Army over *Avora*, he received sad Letters from *Sallust* the *Prefect* of *Gall*, who intreated him thereby to suspend his Expedition against the *Parthians*; nay most earnestly besought him, that he would not so preposterously thrust himself upon certain Destruction, the Divine Powers not being yet pacified. But he neglected this wholesome Advice, and pressed forward rather with more Confidence; for that *Ammianus* tells us, no humane Power or Virtue ever yet could merit, that what Fate had ordained, should not come to pass; and being got over, he caused the Bridge to be broken down, that his men might perceive all Hope of Flight to be cut off. He passed on (as *Ammianus*, who himself was present in this Expedition, and therefore is our best and sufficient Guide in the History of it, writes) and came to a Place called *Zaita*, which signifieth an Olive-Tree, where they saw the *Tumulus* or Hill raised in Memory of the Emperor *Gordian*, to whom being consecrated, out of his innate Piety, as this Writer words it, he made a Parentation; and so proceeded to *Dura* a Town depopulated. Here beholding afar off as he thought, a Band of Men, he made an Alt, and standing in a Mule to think how he should order his Matters, a Lion of a vast Bigness presented himself to the Army, and by it was quickly dispatched. Hereat he conceived great Hope and Courage, though the Event shewed it was without sufficient Ground. Our Writer tells you, that indeed, by this Accident the Death of a King was fore-shewn, but of which, it was utterly uncertain. That the Oracles themselves in such Cases were doubtful, he declares; as in the matter of *Cæsar*, the *Athenians* when they fought against the *Persians*, and of *Pyrrhus* in his War against the *Romans*. The *Heirusean* *Aruspices* produced their Books, and thence shewed such a Token to be fatal to him that invaded the Territories of others, though upon never so just Grounds, but were run down by the Philosophers, who had the greater Authority with him, and were peremptory in those things they did not understand. They urged indeed that when *Maximian*, while yet *Cæsar*, was about to engage with *Narjes* King of *Persia*, a Lion in like Manner and a great Boar appeared, and were killed; and he went away with the Victory; but the Case differed; for Destruction was portended to (marke) him that unjustly made the Invasion; which was *Narjes* who first invaded *Armenia*, subject at that time to the *Romans*.

43. The day following, being the seventh day of *April*, by intervention of a Cloud, happed great Darkness, Thunder and Lightning, and therewith a Souldier named *Jovian*, was struck dead, as he was leading two Horses from watering. This confirmed the Wizards in their former Opinion, who, by Books of Thunder, shewed, that Thunder it self was to be taken for a Councillor, and when a man, of so great a Name, was so killed with Horses, which are the great Helps for carrying on War, it evidently signified that the Place and Country where such a thing happened, was, as dangerous, to be quitted. On the contrary the Philosophers affirmed that the Lightning signified nothing at all; but was a fierce Vapour by some Force or other thrust down from the Clouds; or if any thing was meant by it, it must be *Brightness* and *Glory*, signified thereby as accruing to the Emperor from the Enterprize he had undertaken, flame of it's own Nature ever tending upward. The Profession of the Philosophers and their Opinion most suiting *Julian's* Humour, he easily closed with them therein, and now made an Oration to the Army, furnished with several ancient Stories of the greatest Commanders who had achieved as well against the *Persians* as others, by their Valour and Affection to their Country, especially through the good Will and Resolution of their Souldiers, very great things; which now by their Assistance he was resolved to imitate in this Affair; wherein he had this present Advantage of Justice on his side, that as they were prompted to what they did, by martial Glory; he was compelled to repair those

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Sallust writes to him, to dissuade him from the Parthian War.

He is amazed by several Accidents.

By a speech he encourages his Men.

Sec. 5. Losses, and revenge those Injuries which the *Roman* Provinces had of late years sustained. With his Discourse they were so animated, that considering both his former Services in *Gall*, and his present Alacrity to endure all hardship, even as far as the Condition of a private Souldier required, they embraced his Advice with all cheerfulness, and resolved to obey his Commands to the utmost. The undaunted Resolution of Emperor and Army thus manifested and mutually applauded, he entered the *Assyrian* Borders; where fearing to fall into some Ambush, he drew his men into foursquare Bodies, and appointed fifteen hundred as a Forlorn; to march both before and on both sides; to give warning upon all Occasions. He himself led the main Body of Foot, being the Strength of the Army. On the right Hand he commanded certain Legions to march by the River *Euphrates*; under Conduct of *Necia*. The left Wing he committed, with some Troops of Horse, to *Arintheus* and *Hormisdas*, to be led through the Plains and Marishes: And the Rere was commanded by *Dagalaiphus*, *Vitor*, and *Secundinus*, the *Dux* of *Osdrinena*. To strike a greater Terror into the Enemy, he enlarged his Ranks, and caused his Army to appear much more numerous than it was; so that the Front was well nigh distant from the Rere, the Space of ten Miles, in which Art both of enlarging and contracting an Army when the Stratagem required, *Pyrrhus* King of *Epirus* was most excellent. And the Baggage he placed to within the Wings, that all Danger by sudden Incursions, might be prevented. As for his Fleet, he ordered it to keep as near as could be, that the Army and it might afford mutual Assistance and Protection to each other.

44. Proceeding after this manner for three days, they approached *Dura*, a desolate City upon the River; whence journeying, after four days more, they attacked a Fort called *Anubas*, standing in an Islet in *Euphrates*; and stormed it merely by Languages; for those within were persuaded to yield, which they did by driving out before them an Oxe with a Garland on his Head, with them the usual Signal of Peace. The Emperor caused the Fort to be burnt. *Papus* the Governour was rewarded with the Place of a Tribune, and afterward was preferred to be *Dux* of *Ægypt*; the rest were sent away with their Moveables to *Chalcis*, a City of *Syria*. Amongst them was found a *Roman* Souldier, who, when *Maximian* made an Inroad into these Countries, had been left behind by reason of Sickness; then a very young man. But afterwards he took several Wives, according to the Custom of the Place, and now very Aged, with a Numerous Issue, to his great joy was carried homewards; affirming with the testimony of several Hearers, that he had foretold, how near to an hundred years old, he should at length be buried in the *Roman* Territories. After this, the Scouts of the *Saracens* brought some Prisoners to the Emperor, who, glad at the sight, sent them back again upon the like Errand. The day following much Damage happened to the Army by a furious Tempest, and shortly after, by the breaking out of the River, which, whether it proceeded from some Natural Cause, or the Design of the Enemy, was uncertain. The further they passed, the greater danger they being to meet with, the Emperor in Person rode before, to see that all was clear; and sometimes came behind, as there was occasion, and some Forts they took in their passage, and others refused to submit, about which he thought it not worth his labour to spend much time; but he commanded the fruitful Country to be wasted. One Town they took, called *Ozogardana*, which, upon their approach, the Inhabitants had forsaken, and here was a Tribunal of *Trajan* still to be seen. Admiring that all this while he should meet with no opposition, his Wonder now presently ceased; for, having sent out *Hormisdas*, who best knew the Country, to make a discovery how matters stood, the *Saracen* (for this, *Zosimus* tell us, was the Name of Magistracy, not of a man) the highest in Power next to the King, and *Malchus* *Podagacer*, the *Philarchus* or chief of the *Saracens* called *Assanites*, watched the opportunity of intrapping him; and had done it, but that a branch of the River, swollen above the usual proportion, hindered their passage. Being discovered, a Party turned head against them, and, after some skirmishing, forced them to retire.

45. The Souldiers, encouraged with this Success, marched more cheerfully to a Place called *Maceprada*, where were seen the Ruins of Walls, formerly of great length, and built for the Defence of *Assyria* from Foreign Invasions. And here, the River being divided, a branch of it running up into the more inward Tracts lying about *Babylon*, the Army with some difficulty got over; the Enemy making opposition on the farther Bank, till diverted by *Vitor*, whom *Julian* caused to cross it first that purpose. This Difficulty conquered, they met with a greater, at a City called by *Ammianus*, *Pyrisabora*, by *Zosimus* *Borjabora* ) very strongly fortified by Nature,

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Sect. 5. lucky. It was resolved then, seeing they could do no better, to march for *Corduena*, and on the sixteenth of June, by Break of Day, they set forward; when presently a great Dust was discovered, which some imagined to proceed from an infinite number of Asles feeding not far off, who were wont to go in a Body together to prevent the Attempts of Lyons upon them. Others thought the Enemy at hand, and therefore the Army united, and in a grassy Plain, by a Rivers side, incamped it self as strongly as might be; for the matter could not be discovered all this day. And the Night dark of it self, was spent in great Anxiety, none daring so much as to fit down or close his Eyes. But as soon as it was light, the glittering Armour shewed the Kings Forces to be at hand; whereupon, the Emperor restrained his Men from making any sudden Onset: but the Fore-guards met and skirmished; and *Machabenus*, a Roman Leader, was killed; whose Death, *Maurus*, his Brother, afterward *Dux* of *Phœnicia*, revenged upon him that slew him, by sending him the same way and, with a Wound received in his shoulder, brought off the dead Body. The *Persians* at length were forced to retire; and so were the *Saracens* that hovered about to fall upon the Baggage.

53. The Emperor then held on his course, and came to a Village called *Hucumbra*, where they rested for two dayes; and beyond expectation, had plenty of all things. The day following, having set fire to all they could not carry away, they proceeded slowly, and the *Persians* fell in upon their Rear, but were repulled by the Horse, with loss of a Noble *Satrapa*, one *Adaceus*, who had been Ambassador to *Constantinus*, and was very well received: he that kill'd him, presented what he took from him to *Julian*, and received a Reward suitable to the Action. The same day, a Party, or Regiment of Horse, called *Tortiaci*, was accused by the Legions of deserting them, and slipping away in an Engagement; by which Cowardice the whole Army had been well high discouraged. The Emperor hereat enraged, took the Ensignes from such as were Convicted of the Crime, and breaking their Spears, caused them to march behind with the Baggage, and Prisoners; their Leader, who was found to have valiantly demeaned himself, being appointed to Command another Party, the Tribune whereof was also found to have run away. And four other Tribunes were also cashier'd for the same fault: *Julian* contenting himself with this more moderate sort of Punishment, in consideration of the hardness of the Service. Having proceeded some miles further, to a place called *Murange*, a great multitude of *Persians* appeared, who were Commanded by *Merene* the General of the Horse, accompanied by two of the Kings Sons, and very many of the Nobility. All these men were armed *cap à pie*, so as an Arrow could find no entrance, except in the little holes of their Armour, through which they saw or breathed; they used the Bow very dextrously; some fought with Lances, and they were all guarded by Elephants; with the smell, Noise and Sight of which Beasts the Horses of the *Romans* were much terrified. Their Riders who govern'd them, ever since the Overthrow they received at *Nisibis*, had large Knives hung at their Arms; that if they grew head-strong and ungovernable, they might therewith wound them in the *Vertebra* of the Neck (for there alone they were mortally vulnerable, as was experimented once by *Abrubal* the Brother of *Antioch*) and by their death the mischief might be prevented of raging and treading down those of their own side, as fell out at the said Battel of *Nisibis*, to the loss of ten thousand men, as some have written. *Julian*, putting on such a countenance as might best dissemble the Terror into which they were all cast at the sight, drew his Battel into the form of an half Moon, and fell with such violence upon the *Persians*, that they broke their Ranks, after great slaughter. The *Romans* had much the advantage, but the Souldier on both sides was so tired, as well by the great heat, as the fatigue of the Battel, and his Wounds, that three dayes Truce was willingly agreed on. Yet, this notwithstanding, the *Roman* was little at his ease, having Rest, but a very hungry Belly; for no Provisions were to be had, the Corn and Grass, and every other thing conducing to the sustenance both of Man and Beast, being burnt up. There was no other Relief, but for the ordinary Souldier to be supplied as far as it would go, with what the great Officers had provided for themselves, and what had been got for the Table of the Emperor, who contented himself with the fare of the very meanest, being indeed abominous to a wonder.

54. After a short and troublesome sleep, having, in imitation of *Julius Cæsar*, applied himself to the Writing of the opinion of some Philosopher; when the dark and silent Night conducing much to his privacy, the Publick *Genius*, which he saw when he came to be Emperor, in *Gall*, now again appeared to him, as he confessed to his Friends, in a sorrowful Habit and Posture, having the Head covered with a *Cornucopia*, and so in sadness went its way. At the Sight he was astonished at the present, but being above all fear, he commended the Issue of all things to what was De-

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Sect. 5. creed above, and rising from his Pallet on the Ground, went to his Devotions, and then saw an Exhalation in the Skies in the shape of a Torch, falling down, which, having passed a good part of the Air, suddenly vanished. He was terribly afraid that it was the Star of *Mars*, which menaced him in this manner; and ere it was yet day, caused the *Hætriscan* *Aruspices* to be sent for, who being consulted about the meaning of it, affirmed out of the *Tarquitian* Books, in the Title concerning Divine Matters, that upon the appearance of such a Meteor, all Fighting was to be forborn; and when *Julian* contemned it, they entreated him that he would defer his March some few hours; But he hardened himself against all things of this nature; and when it was light, gave order for the Army to dislodge. The *Persians* not daring to come to a formal Engagement, distressed them upon the Flank, as they saw opportunity, and fell in upon the Rear; of which, word being brought to the Emperor, he forgot to put on his Armour, and only snatching up a Target in the Tumult, ran to their Relief; when again he was recalled by a fresh Alarm, that the Foot was attacked in the same manner. Labouring to repel this Violence, without any regard had to his own Person, a Party of the *Persians*, being those called *Cataphrati*, set upon the middle Battel, and distressed the left Wing, the *Romans* not being able to endure the Noise and Smell of the Elephants. Notwithstanding this, the Emperor fought himself, that he restored the Battel to an hopeful Posture; and now the *Persians* giving Ground, with hands lifted up, he urged his men to the Pursuit, without any Care of himself, though those that were near him, advised him not to pursue the numerous and powerful Enemy too far. Neglecting all Counsel he was struck through the Arm into the side, and the lower lobe of his Liver, with an Horse-mans Javelin, it's uncertain how, which endeavouring to pull out he cut his Fingers; and falling upon the Neck of his Horse: was brought into his Tent and dressed. The Pain being something abated; he called for his Arms and Horse, that by his Presence he might animate his men, and reinforce the Fight; but his strength would not answer his Inclination, so much was he weakened by a Flux of Blood. Now he despaired of Life, when he understood the place where he was hurt to be called *Phrygia*; for in *Phrygia* it had been told him that he must dye.

55. The Emperor being conveyed into his Tent, incredible it is with what Rage his Souldiers breathed after Revenge, which they testified, by the beating of their Targets with their Lances, and obliquely resolved to dye with him, if it should so happen. Though they were even blind with Dust, and melted with Heat, yet did they, as having now no Governour, rush on upon the Enemy, who on the other side, fore-galled them with his Arrows, and restrained their Violence by the Interposition of his Elephants. The noise and shouting of armed men, Groans of such as fell, shouting of Horses, and clashing of Weapons was heard afar off, and continued even till dark Night put an End to them. Fifty *Satrapas* and noble *Persians* were killed; besides a vast number of the ordinary sort. Of the *Romans* fell *Anatolius* the *Magister Officiorum*; the right Wing of the Army being worsted after the Disaster which hapned to the Emperor. *Silvianus* the *Præfekt* was rescued from Destruction by one of his *Appartours*; but *Phosphorus* his Councillor, or Assistant, was slain, and some Souldiers having passed through very great Dangers, seized on a neighbouring Castle, and therein securing themselves, joynd the Army after three dayes. But, while the Fight continued, *Julian* lay languishing in his Tent, and finding those about him very sorrowful and desirous to see him in that Case, comforted himself and them after this manner. The time of departing this Life, is my Companions, now arrived, which as an honest and well meaning Debtor, I gladly repay to Nature; and not, as some believe, with Reluctancy and Sorrow; for by the common Opinion of Philosophers I am sufficiently instructed, in how much more blessed Condition the Soul is than the Body; and am satisfied that when one passes out of a worse into a better Estate, he ought to rejoice rather than be troubled, considering also that the celestial Gods reward the most pious men with Death, as the greatest Reward of all others. I also am assured that it happens to me after the same manner, lest I should fall under so heavy Burthens as I undergoe, or do any thing unworthy of my self, having yet ever found by Experience, that Sorrows and Pains, as they dominier over Cowards, so are easily overcome by valiant Persons. Neither doth it repent me of mine Actions, nor the Remembrance of any Wickedness afflict me; either committed at such time as I lay in the Shade and in Corners as I could, and studied Virtue; or since I came to the Government. I think I have kept my self blameless and without Blemish, as one defended from the Gods above, in times of Peace governing with Moderation; and not without good Consideration, making ei-

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ther,

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*Tarquitius lib-  
ros de Divina  
disciplina &  
Oportet  
Thucum con-  
scribere, ut  
ex Viris &  
Macrobio notat  
idem alii.  
At vero Lib-  
rius ait inco-  
mum tunc fuisse  
Julianum quod  
Perfas ubique  
viceret quæ sit  
misa sui fiducia  
in tanto Duce  
discrepant se-  
renda est.  
Invidiosus legi-  
bus repulsi-  
dine.*

Is met by a  
great Power  
of the *Persians*.

A Truce for  
three dayes.

The *Persians*  
fall upon the  
Rear of the  
Roman Army.

He receives a  
Wound in his  
side.

Is carried into  
his Tent.

Makes a  
Speech to  
those about  
him.



Sect. 5.

that it was not *Julian*, but *Constantius* that kindled the Flames of the *Partisan* *A. D.* War, out of desire of Revenge (having been cheated by the Lies of *Metrodorus*) - 562. for that many Armies were lost, Cities seized, Forts taken or destroyed, the Provinces exhausted, and all things tended to Ruine; the *Perfians* having pierced as far as *Bithynia* and the Shore of *Propontis*. In *Gall*, the *Germians* were so bold, that having harried all that Country, they were about to pass into *Italy* over the *Alpes*; and such were the Miseries of the Provincials that they had nothing they could account certain, but Tears and Terrors; the Memory of things past being grievous, and the Expectation of what was to come still more troublesome. All these Disorders this young man, being thither sent under the Vizard of *Cæsar*, redressed, and dealing with Kings no otherwise than so many ignoble slaves, with wonderful Celerity dispatched. That he might in the same manner restore matters in the East, he set upon the *Perfians*; and from that Attempt had brought back both matter for a Triumph, and a Sirname (of *Particus* after which he forcibly shifted) had the heavenly Decrees been answerable to his illustrious Councils and Exploits. Some there are indeed, who though often beaten will yet unadvisedly fight again; and others who though they have suffered several Shipwracks, will still Court the same Dangers they formerly underwent; but who is he that can affirm this Prince, who was ever victorious, to have done the like?

59. Reader, all this while thou perusest *Ammianus* in another Language, who having been present in this Expedition, and an Eye-witness of what passed, is rather to be made Use of in this matter than any other, especially than *Zosimus*, who tells another sort of Story concerning this Journey, differing not only in Circumstances, but in Names. Others relate some other Circumstances of his Death, which are not much to be heeded, nor of Consequence whether they were true or not. Concerning his Character, *Pagan* writers fully agree with *Ammianus*, whose great Affection to him is most evident, and that for such Reasons, as the contrary Arguments have, possibly, caused others to be as severe, as he is indulgent to his Memory. That we might thus this dangerous Rock of Partiality we have not omitted any thing remarkable alleged by himself or his Friends in his Commendation, but to make it more expreive, given it in their own terms, or manner of Speech, though often harsh; and therefore may be excused, if in another place, wherein his Actions in reference to Religion are to be scanned, we make a severe Scrutiny into his Virtue, so much celebrated by one sort of men. Here we shall only say in short, that it cannot be denied, but that he was a man of Excellent Parts, and that such as say the contrary incur the other Extreme, and deserve part of that Censure which so justly falls heavy upon lying *Zosimus*. His Achievements against the Germans were extraordinary, considering his young years, and that he had been Educated in the Study of Letters, not of Arms, and was accustomed to the *Pallium*, not the *Chlamys*. His abstinence, as to Corporal Pleasures, was to be admired, and other things were very commendable in him, if he did not abstain and act on purpose to beset men. But, whereas his Admirers are wont to aggrandize his Actions against the Germans by the number of the Kings of such Nations as there he mastered; they seem very impertinent in so doing, to such as very well understand, that these Nations were but Tribes or Clans of the same Country, and these Kings but *Reguli*, and the several Sons of the same *Reguli*, whose Kingdoms may be more truly termed *Pagi* than Realms. And, in my poor judgment, all Partiality and Prejudice put aside, they cannot conceal these Flies which appear so noxious in the sweet Ointment of his Virtues; viz. that extraordinary Vain-glory and Ostentation with which he appears more to have swelled, than any man that ever we read of, if his Historian hath given us a true Account of his Speeches, and the general and constant manner of his Demeanour. But the Efficacy of his Pagan Religion could not reach so inward and potent a Vice, which makes its fortification in the Heart; nothing could do but that from which he thought fit to Apostatize. However, Scholars are to rejoice, that the great Honour procured to Learning, from the Conduct of Armies, and Success of Arms, by *Epaminondas* and *Xenophon*, was really continued and augmented by him. And yet possibly, he was in the number of those Princes, who had the more of Fame, because they had so little of Life; Time and Temptations discovering the frailties of glorious, but not well-founded beginnings: to be sure he altered much from that Clemency he first pretended toward Christians, and shewed the virulence of his Humour. But now we find him dead; and, as he himself said of *Constantius*, Let the Earth, according to the Greek Proverb, lie light upon him. We shall only add, that he died on the twenty sixth of June, in the second Year of his Reign, and the two and thirtieth of his Age; in his fourth Consulship, which he bore with *Sallust*, *A. D. CCLXIII.*

CHAP.

# THE ROMAN EMPIRE.

## CHAP. II.

The Middle State or Condition of the Empire. From the Death of *Julian* to that of *Theodosius* the Great.

### SECT. I.

From the Death of *Julian*, the last of the Family of *Constantine*, to that of *Jovian*; the space of Seven Moneths and odd Days.

Great Contentment about a new Emperor.

**J**ULIAN being dead, the next day early in the morning the Officers, with the Principals of the Legions and Troops, met in Council, the Enemy now lying round about them. Great and turbulent Diffention there was about the Election of an Emperor, whilest *Arintheus* and *Vitor*, who remained of *Constantine* his Courtiers, laboured to have one of their own Faction; and on the other side, *Nevita* and *Dagalaphus*, with the Commanders of the *Galls*, endeavoured to prefer a Man of their own Acquaintance and Interest. At length they all pitch'd upon *Salust* the *Prefect*, a very Worthy Person; but he excusing himself by Infirmary and Old Age, when they were at a stand not knowing what to do, some few made mention of *Fovian*, and in so deliberate a case he was elected. He was the Principal *Premierius*, or chief of the *Domestick Protectors*, the Son of *Varronian*, who was of the Rank of *Comites*, and very Eminent, being a Native of *Singidunum* in *Pannonia*, who having lost many Children, was commanded in a Dream to call his next Son by the Name of *Fovian*, and had lately retired to a Private Life. The Army lying abroad, to the extent of four miles, upon the Acclamation and Shout of *Fovianus Augustus*, those that were in the Front mistook the Name, and thinking *Julian* to be recovered, out of an ill-grounded Joy much more augmented the Solemn Cry; though finding afterward their mistake, they turned it into Tears and Lamentations. *Fovian* thus promoted, an Ensign-bearer of those Souldiers called *Foviani*, who had been commanded by *Varronian*, and maligned his Officer, fearing that he who had detracted from the Father should now be punished by the Son, fled over to the *Perfians*, and getting speech of the King, acquainted him with the Death of his Enemy, and how by a company of contentious Fellows, in a tumultuous manner, one *Fovian* was chosen a kind of Emperor, who formerly had been but a *Protectors*, and was now no better than a Coward. *Sapor* gladly hearing the News he had so long wished for, and elevated by fresh hopes, gathered his Men together for a fresh Onset, with resolution to fall on the Rear of the *Roman Army*. The Entrails of Beasts being consulted for *Fovian*, as *Ammianus* tells us (though surely not by his Command) he being of a Religion opposite to all such Superstition, promised Security if he removed, but destruction if he continued within the Trenches.

The Army marcheth.

2. Issuing out of the Camp he was presently attacked by the *Perfians* with their Elephants placed in the Front. By them both Men and Horses were much disturbed, till the *Foviani* and *Heruliani* killed some, and opened their way to the Horse; and then being succoured by the Legions of the *Fovii* and *Vitores*, did great Execution, with the loss of *Fulianus*, *Macrobins*, and *Maximus*, three valiant Tribunes and principal Officers of the Army. They being buried as the time and urgency of Affairs would permit, *Fovian* proceeded to a Castle called *Samses*, when it was now almost Night; but there the Body of *Anatolius* was found and committed to the Earth also in a tumultuous manner, and sixty Souldiers, who (together with the *Palatine Guards*) had betaken themselves to a neighbouring Castle after the Fight, recovered the Army. The day following they encamped as they could in a Valley, and drew a Line for their defence, which they secured by sharp Stakes, and left by one Passage out of sufficient capacity. Hereupon the Enemy inflicted them both by

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*At Zosimus et Zosimus post. Fovianus inter dem mortem, imperium amicum consensu dicitur esse Salustio narrari, quidem ipsi illustratum casu. Status constantis animo relictus: filio vero quod adhuc n. junior esset, deservit salutis.*

*A Discretione, cui Fovius et Maximianus, cui Herulianus cognomen accipi.*

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Arms



## Sect. I.

Arms and Words, reviling them as Traitors and the Murderers of an Excellent Prince, for they had heard that *Fulian* fell by the Hand of a *Roman*; and a Party of their Horse had the confidence to break into the Camp well nigh as far as the Emperors Pavilion, but were beaten back with great loss. Discomfiting thence the night following they came to *Chartha* a place safe enough, where the Enemy did not at all infect them; and on the fifth of *Fuly* reached a City called *Dura*, the Carriage Beasts being now so tired, that they that governed them marching on foot, had been cut off by the *Saracens*, but that they were relieved by some of the Light Horse-men. The *Saracens* had been lately offended by *Fulian*, to whom having recourse for the Pensions formerly allowed them, they had this Answer returned, That a warlike and vigorous Emperor was wont to have Steel, but no Gold. About this place they were forced to stay four days, for the *Perfians* still dogged them at the heels; and when they turned head to give them Battel, again recreated, and so forced them to spend the time in Delays. But now they were told by some better than the rest, that they were near their own Confines, and thereupon the whole Army required, and that in a multuous manner, that they might pass over the River *Tigris*. The Emperor and the Officers earnestly opposed it, shewing that now upon rising of the Dog Star, the Waters were exceedingly increased; and further urging, that most of them could not swim, and that the Enemy had seized the further Bank, they desired them not to precipitate themselves into so manifest danger. But they were impatient of Contradiction, and proceeded as far as to Threats: whereupon he commanded the *Galls*, who were accustomed to swimming, first to take the Water, that if they perished in the Attempt, the rest might be taught by their Destruction to learn Obedience; but if they came to Shore, the Passage might be prosecuted with the greater confidence.

3. Some of these *Galls* entering the River in the night sooner recovered the further Bank than was imagined, and killing the *Perfian* Guards whom they found asleep, thereof gave notice to the Army. The Souldiers having understood their success by their Signal, were hereby violently moved to take Water, where some Undertakers engaged by the use of Bladders to frame a sufficient Bridge for their Transportation. Whilest this they endeavoured to accomplish to small effect, *Sapor* the King of *Perfia* was not a little perplexed in his mind. He being absent of late had understood how matters had passed since his departure, that so many Men were slain, and so many Elephants killed, as he had not been accustomed to hear of, and considered that by these continual Exercises and Labours the *Romans* were rendered more hardy and serviceable, and after the fall of their late Emperor would not have respect so much to their own safety, as meditate Revenge, even to such extremity, as either to overthrow the Difficulties wherewith they were surrounded by a notable Victory, or else finish the course of their toil and hardship by death it self. Moreover, he knew that further Supplies might speedily be gathered out of the neighbouring Provinces, and indeed that another Army lay in *Mesopotamia*, not much inferior to this. He was sensible that his own People was much harassed and discomfited by frequent losses, and wasting of the Country, and began to apprehend several disadvantages, and that the issue might be pernicious on his own side; but hearing of this bold Attempt of five hundred *Galls*, he resolved to offer *Jovian* Conditions in a time so critical, when the Bridge could not be completed by reason of the strong Current, and all Provisions being spent two days before, the Souldier was enraged with Anger and Famine, and desired to end his days rather by the Sword, than by so pitiful a death as that of Starving. But the Conditions he propounded by the *Sarenas* and another Nobleman, were hard and perplexed, and four days were spent in the Treaty, managed on the *Roman* part by *Salust* the Prefect, and *Arimbeus*, the Army in the mean time languishing with Famine. He pretended he was moved by Humane Compassion, to permit the Retreat of the Remainers of *Fulians* Army; in consideration whereof he would ask but his own, which the Emperor *Maximian* had so unjustly taken from him. He demanded the five Regions beyond *Tigris*, viz. *Arsacena*, *Moxoena*, *Zabdicena*, *Rheimena*, and *Corduena*, together with fifteen Castles, besides *Nisibi*, *Singara*, and *Castra Maurorum*, a Fort of very great consequence. *Ammianus* tells us, that it had been better to have fought ten times over, than to have yielded to the least of these things, but the fearful Prince was persuaded to grant them by a company of Flatterers, who terrified him with the Name of *Procopius*, as who undoubtedly upon the report of *Fulians* Death would set up for himself, having an Army at his devotion for that very purpose. He hardly obtained, that the Inhabitants of *Nisibi* and *Singara* might be removed into the *Roman* Territories; and consented to a thing which our Historian terms pernicious and impious, which was, that he should not assist *Asaces* King of *Armenia* against the *Perfians*, though

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363.Dissert a Dura  
Mesopotamie,  
cum civitate  
eius trans Ti-  
grim flu.Muniti, and  
will needs  
pass over Ti-  
gris.Sapor inclines  
to give them  
good Condi-  
tions.A Truce for  
30 years upon  
what terms.

## Sect. I.

though a constant and faithful Friend of the Empire. This *Sapor* pressed upon two accounts; that he might be revenged on *Asaces* for having walled *Chilicosus* at the Emperors instance; and be capable of invading *Armenia* at his pleasure. And hereupon it happened afterwards, both that *Asaces* was taken Prisoner, and that part of *Armenia* bordering on the *Medes*, with *Arasata*, was during these Disturbances seized by the *Parthians*. For performance of the Conditions Hostages were exchanged; on the *Roman* part *Nevitis*, *Victor*, and *Mellobaudes*, Eminent Tribunes of the Army; on the *Perfian*, *Bimefes*, one of the chiefs of the Nobility, and three other *Satrapas* of note and quality.

4. This Peace thus concluded for thirty years, and religiously sworn to, is as remarkable as any Passage of these Times; and various are the Reflections which Writers make upon it, according to the diversity of their Inclinations. That it was very ignominious all agree, the *Romans* having not been accustomed to part with their Territories, though sometimes they received notable Defeats. Some held there was no necessity of making it, as *Ammianus* by consequence; for if what he writes be not a groundless Conjecture, *Jovian* might easily have marched away before the Treaty began, and while the *Perfians* were making the Overture, into *Corduena*, a Country fertile within his own Dominions, and distant but an hundred miles. Others say, that the Agreement was necessary, but blame him for not breaking it so soon as he was in a capacity to do it; and *Eutropius* instanteth in War made notwithstanding such Accords, upon the *Samnites*, *Numantines*, and *Nimidiens*; adding that this Peace was not ratified, but that *Jovian* fearing an Emulator, therein little consulted his Glory. If the Peace was necessary, *Fulian* can neither be blamed that he made it, nor that he did not break it. It was *Jovian* who was the Author of the necessity, whom not only Christian Writers accuse of rash Ambition and Wilfulness as to this point; but *Ammianus* too, as we have lately seen, for he was little better than fool-hardy in the matter of burning of his Ships; for although this course hath been taken otherwise, as might be intanced in several, who did it to cause their men to fight, by seeing all hope of Escape cut off from them; yet hath it been practised either by those, whose great Temerity hath overtopped their Prudence, or in case of some extraordinary matter to be obtained by the fortune of one Battel, when the meannesse of the present Condition of the Person, in respect of that great Fortune he should arrive at by the success of so hazardous an Enterprize, hath prudently excited him to venture Life and all. Such young, ambitious, and rash Persons as *Alexander*, the Great, and others, the Conquerors of whom are to be ascribed to Fortune, not to Conduct, might well have been by Juvenile Heat excited to such an act of Desperation: or the Kingdom of *England* might easily have tempted a Duke of *Normandy* to burn his Ships, and lay Life and all things at the stake. To which we may add, that if sometimes such Extremities have been imbraced by those who have been excluded from their Rights, or cast out of Possession, the just indignation thence conceived, and the miserable estate to which they have been reduced, have afforded sufficient Arguments, not only for their Excuse, but Commendation. But all seem to be wanting to *Jovian*, upon an exact scrutiny into this matter: For to consider the Ends of his entering upon this War, the Reputation and Safety of the Empire, could only be sufficient Motives to the Undertaking. But Reputation was through his natural vain glorious Temper, as his Friends confessed, turned into Ambition and stubborn Opiniastricity, while to purchase the Title of *Parthicus*, he would as in other particulars, for in this especially of burning his Ships, sacrifice not only his own safety, but that of his whole Army, contrary to the Counsel and Prayers of all his Officers. That safety which he ought in reason to propose to himself, could be no other than that of the bordering Provinces of the Empire, to preserve them from Conquest or Devastation. But by this rash Attempt he endangered more to preserve the rest, not only in exposing to ruin his own Person, upon the safety of which much more might have depended than possibly did at this time, but that of the Army also, which being destroyed, the Destruction of the Provinces must needs follow, and probably some other Attendant on such a Disaster. Indeed had the Empire of *Rome*, or his Condition as Lord thereof, been contemptible in comparison of what he was about to obtain, the venture might have had advantage; but in this case the stake was much greater than what he could rationally expect to win. And yet the Kingdom of *Perfia*, though not to be named in the same day with the Empire of *Rome*, was too great a Prize to be won at one cast, or with such a lucky hit as was that of *Alexander*. One Battel would not do it, nor many more: many Armies he could not but expect out of the Overthrows and Ruines of some, which possibly he might have defeated. And he found it was a thing

Various Re-  
flections by  
Writers upon  
it.Of the neces-  
sity of the  
Retreat *Jovi-  
an* was Au-  
thor.A.D.  
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## Sect. 1.

For Jovian could not have prosecuted the War as he left it.

practicable to waste the Country, and cast him and his Forces into such necessities as he could not supply; especially having, by the unadvised burning of his Fleet, cut off Succours both of Provisions and Men.

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5. Such was the Conduct of *Fulian* in this Action; the course of which had *Fovian* prosecuted, and carried on the War where he left it, with the same Designs, whatever great Arguments *Ammianus* tells us that *Sapor* had to treat with the *Romans*; he might possibly have been guilty of a greater oversight than that Error was he committed in making the Peace; and ten times over he might have fought, and twenty to them, ere *Fulian's* Project could have been accomplished. Whether he could have gently run away, or made a Retreat without a Truce, saved his Men by flight, and the Provinces by his Protection, is more difficult to be resolved, than to take the bare word of *Ammianus*, whose story concerning the danger of passing the River, a man will think little consistent with this Affirmation, that he might have escaped into *Corduene*, but an hundred miles off: and had this Retreat been safe, or so possible, why doth this Historian, as well as others, so tax *Fulian* for burning his Ships, and thereby cutting off all security for a Return into his own Dominions? To be sure the danger the Army was now in was extreme, as well by the Multitudes of *Persians*, which on all sides pressed upon them, as by Famine: and this *Zosimus* affirms, whom we have reason enough to credit in this point, though the series of his story in reference to this Expedition be obscure and insignificant, in comparison of that of *Ammianus*, an Eye-witness. And he adds, that notwithstanding the Peace, and that they had leave to return at their ease, yet scarcely at last with great toil and loss they arrived at *Nisibis*. What then would in probability have been the issue, had the Multitudes of *Persians* every where way-laid them, and cut them off, while they also struggled with Famine? As for the Assertion of those who held he was to have broken the Peace when out of danger, it is not worth taking notice of; for much more ignominious had been so great a breach of Faith, and violation of the Law of Nations. If such Covenants be not performed, though disadvantageous, what Trust will be given by Men one to another? If no Trust, no Entercourse amongst Nations: all things must run to extremity. He that keeps no Faith, no Faith will be kept with him. All men will stand aloof from such a Prince, and behold him not as a Creature fit for Humane Society, but an Animal of a more savage nature, destined only for the Affliction of Mankind.

Nor ought he to have broken the Truce once made.

The Army passeth the River Tigris.

And prosecuted in Retreat.

Messengers sent by Jovian to establish his Interest in the West.

6. The Peace (most ignominious however) being religiously sworn to on both sides, *Ammianus Marcellinus* further tells us, that the *Romans* retreated to find a more convenient place for passing the River, being sorely distressed both with Hunger and Thirst, which constrained some to venture over by stealth, who were either drowned, or being got to Land were knock'd on the head by the *Persians*, and *Saracens*, or else taken and sold for Slaves. But being arrived at the designed place, and the Word once given for taking the water, incredible it is with what alacrity each one strove to prevent his Fellow, some making use of Bladders, and others of other means and helps. The Emperor, and some few about him, served themselves of those few Boats that were remaining of the burnt Fleet, and afterward caused them to often to cross the River, till all were got over. In the mean time the *Persians* began a Bridge at a good distance, with a design to fetch off all Stragglers, and Cattel that should come behind; but their Plot being discovered, they desisted. The *Romans* freed from this Fear began their Retreat, and by great Journeys came to *Hatra*, an old Town situate in the middle of the Desert, and long before deserted, which *Trajan* and *Severus*, though both great Warriors, labouring to raze, were well nigh destroyed with their Armies. It being here known, that for seventy miles in this dry and barren Country no Water was to be had, but such as was salt and stinking; neither any thing to feed on except *Arbutum*, *Wormwood*, and *Dracontium*, with other such unfavoury Herbs; sweet water was provided, and Camels killed to make as good Provision as was possible. After a March of six days, wherein not so much as a little Grass could be found, *Cassianus* the *Dux* of *Mesopotamia*, and *Mauritius* a Tribune, having been sent before upon this Errand, met them at *Ur* a *Persian* Castle, and that very seasonably with Provisions, which the Army under Conduct of *Procopius* and *Sebastian* living very frugally had spared. From this place another *Procopius* a Notary, and *Memorinus* a Tribune, were dispatched away for *Illyricum* and *Gall*, to give notice of *Fulian's* Death, and the Promotion of *Jovian*. They had Instructions to persuade *Lucilianus*, the present Emperors Father in Law, who had given over all Employment, and retired to a private life at *Sirmium*, to accept of the Codicils or Commission they carried with them

## Sect. 1.

The Army distressed by Famine.

*Nisibis* according to Agreement is put into the hands of the *Persians*.

A miserable sight of the Inhabitants quitting the City.

them of a *Magister Militum* of both forts; and to hasten to *Milan*, there to order matters as should most suit with his Interest. By more secret Letters he desired him to get such Attendants about him as he could certainly trust, to put in Execution his Orders: And one *Malarich*, who was his familiar Friend, and lay then in *Italy*, he very prudently constituted *Magister Militum* in *Gall*, in the room of *Fovianus*; for hereby he both removed a man very powerful, and whom he had reason to suspect; and obliged one of so mean Condition, by preferring him to such a Command. The Messengers were further enjoined, to report all things that had lately happened with advantage; and having stirred all mens Inclinations, to return with the best Intelligence they could, upon which future Councils might be founded. Yet made they not such haste, but the news of the late Disasters had flown to several places before their Arrival.

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7. In the mean time all Provisions again failed, and the Army was so grievously distressed with Famine, that a little supply they had of a very few Carriage Beasts, preserved Mans Flesh from being offered up to the ravenous Tyrant; and one *Modius* of Flower was sold for no less than Ten *Aurei*. At length they came within sight of *Nisibis*, and pitched their Tents without the City; for the Emperor, though earnestly intreated by the Inhabitants to enter and lodge in the Palace, as his Predecessors had done, pertinaciously refused, as ashamed that a City so impregnable whilst he was in it, should be delivered up to a revengeful Enemy. Now was one *Fovian* (the chief of the Notaries) suddenly taken away as he sat at Supper, and being cast headlong into a deep Pit, was overwhelmed with an Heap of Stones; for that having after the Death of *Fulian* been mention'd as worthy of the Empire, he had not since that time demeaned himself modestly, but was often taken notice of to whisper matters relating to that Affair, and frequently to entertain the Officers. The day following *Bimfer*, a Noble *Persian*, zealous to perform with Persepolis what his King had enjoined, earnestly pressed the Emperor for Performance of the Conditions of the Peace, and he accordingly permitted him to enter the Castle, and take Possession. Being seized of the place, by a Signal given from the Castle, he required all the Inhabitants to be gone, who now earnestly besought *Fovian*, that they might not be compelled to quit their Native Seat, affirming that they themselves were able, without any publick Charge, to defend the place; but he was not to be moved in the point, lest he should incur the Crime of Perjury, as he pretended, but indeed fearing other things, if we believe *Ammianus* and others. This caused *Sabinus*, a Townsman of chiefest Eminency both for Birth and Riches, to lay openly, That *Constantius*, though sometimes beaten by the *Persians* in so heavy a War as lay upon him, and driven to so great necessity, as in his flight to feed on a Crust of Bread, which he begged of an old Country Woman; yet to his dying day had lost nothing of his Territories: Whereas *Fovian* in the very beginning of his Reign had parted with the very Bulwark of his Provinces; which in former times had still been protected by the vigorous Opposition of his Town. But the Emperor was deaf to all that could be said, still urging his Oath, and the Inviolability of it. And now he was presented with a Crown, which after earnest refusal, when he had at length accepted, one *Sylvanus*, an Advocate, with great confidence cried out, *So may'st thou, O Emperor, be crowned by the rest of the Cities.*

8. Exasperated herewith he commanded all within three days to leave the Town, and appointed a Party of Soldiers to turn them out, who threatening all that refused with Death, the Walls and all the Streets were crowded with a Multitude, which by Tears and other signs shewed all Passion imaginable, and embraced the very Doors and Posts of the Houses at their Farewell. As every one could most commodiously dispose of himself and his, forth they passed; but being turned out in haste, they hurried away some of their best things, and the rest of their stuff, though much in quantity and of great value, they left behind for want of Beasts to convey it. Here our Historian falls into an Expolition with the Fortune of *Rome*, not so much for the Qualification of the person to whom he had committed the Reins of Government, as for the Circumstances under which he lay in reference to a Rival, the fear of which caused him, out of a desire to come into the Western parts to neglect *Nisibis*, and easily give up that City, which ever since the days of *Mithridates* had preserved the East from being overrun by the *Persians*. He repeats his Observation, how the *Romans* never from the Foundation of the City parted with their Territories; and approves of their ever breaking an Ignominious Peace.

9. The Inhabitants being driven out, the City was delivered up, and together with it all the Force in the Country, by *Constantius* the Tribune. Now was *Procopius* sent with the Body of *Fulian* to be buried in the Suburbs of *Tarsus*, as he had ordained;

In hoc vivore  
haurit videri  
vultu suum  
in lacum.

## Sect. I.

How matters  
were in Gaul  
upon the Ne-  
gociation of the Meffen-  
gers.

dained; which having performed he went away, hid himself, and never was discovered though diligently sought for; till long after he suddenly appeared in Purple at *Constantinople*. These things thus appointed, after a March of several days, at length they reached *Antioch*, where after a very little stay *Jovian*, now distracted with various Cares desired to begone, and sparing neither Man nor Beast came in a very cold season, and hardest Winter weather to *Tarſus* in *Cilicia*. Having given order for the beautifying of *Julian's* Tomb, (whence his Body, as some write, was afterward removed to *Constantinople*) he proceeded thence by great Journeys as far as *Tyana*, a Town of *Cappadocia*, and there *Procopius* the Notary, and *Memorinus* the Tribune, met him, and gave him an account of their Negotiations; though *Lucilianus* (through procurement of a corrupt Officer) was killed by the Souldiers. For, having entered *Milan* with *Seniachus* and *Valentinian*, two Tribunes, when he understood that *Malarich's* refusal to accept of the place of *Magister Militum*, he halted away to *Rheims*, where applying himself unseasonably, while matters were not yet settled, to examine the Accounts of one that had been an *Attuary*, this man conscious of his Frauds, ran away to the Souldiers, and making them believe, that *Julian* was still alive, he incited them against him as a Traitor, that in a Tumult they killed him and *Seniachus* too; but *Valentinian*, who was afterward Emperor, escaped by the care and direction of him with whom he lodged. This ill News was something sweetened by better out of *Gall*, where the Souldiers willingly owned the new Emperor. To *Valentinian*, who came along with the Messengers, was given the Command of the second *Schole* of the *Scutarii*. *Vitalianus*, one of the Company called *Herali*, who long after was honoured with the Dignity of *Comes*, and managed matters badly in *Thyricum*, was made one of the *Domestic Profectors*. And *Arintheus* was sent away with all speed to succeed *Jovianus* in *Gall*, upon refusal of *Malarich*, with Orders to animadvert severely upon such as should be Tumultuous, and send up in Chains to the Court those that should be Authors of any Seditious Attempt.

Jovian is  
Consult with  
Varronian his  
Son.

And dies sud-  
denly.

to. Being arrived at *Ancyra*, and providing for the Solemnity as the Time would permit, he there entered his Consulship, wherein he assumed as Colleague *Varronian* his Son, (for his Father whom he intended was dead whilst he was upon the way) a very young Child, who cried and struggled when he came to be carried in the Curule Chair, according to the Custom; and being by no means to be kept in it, thereby was portended in the Opinion of our Author, what followed very soon after. For, *Jovian* still travelling westward, and coming to *Badaſtana*, a Town situate upon the Borders of *Bitthynia* and *Galatia*, was there found dead in the night, and afforded matter for various Discourse: Some said he was stifled by the Dampness of his Chamber, which had been newly plastered; others by the Smoke of Coles, of which Histories indeed and the Books of Physicians afford us many Examples, nothing being more suffocating than the Vapour of Charcole, especially joyned with the steam of fresh Lime or Plaster) and some conceived it might come from a Surfeit. But there were not wanting, who thought him spent by the tediousness of the Journey's *and Scurves* writes, that it was by a stoppage in the Lungs, which might be occasioned by the former external causes. He adds, that at this place he was met by many Senators of those of the greatest Nobility, amongst whom was *Themistius* the Philosopher, who then spake before him his Oration intitled *Consul*, which afterward he rehearsed at *Constantinople* in the Audience of the whole Multitude. *Ammianus* observes, that *Jovian* and *Scipio* *Emilianus* had one and the same kind of End, and that no Inquisition was made after the Death of either of them. As for his Character he adds, that in doing business after Dinner, and in jesting merrily and freely with those about him, he chose to imitate *Constantinus*. That he was studious of the *Christian* Religion, sometimes Magnificent, indifferently well Learned, very good natur'd, and probably (had he lived) would have had a careful regard to the making of Officers, as might be judged by those few he had only time to promote. As to Vice, that he was given to Gluttony, Wine, and Women, which Faults he thinks might have been corrected by a sense of his present high Condition. *Eutropius* writes, that setting aside the Peace he made with the *Perſians*, he was otherwise neither a Coward nor Imprudent; that he was courteous, and naturally liberal: and with his Death he concludes his Ten Books, being an Abridgment of the *Roman* History, having himself been also present in this Expedition. *Pictor* describes him as beautiful in Body, pleasant in Conversation, and studious of Learning. *Ammianus* faith, he was very tall, and his Limbs of a proportionable largeness, so that scarcely could an Imperial Habit be found fit for him; of grave Gesture, pleasant Countenance, and gray-ey'd.

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Jovianus &  
Varronian  
cogni.

Alii christi-  
ant, cum con-  
stiti pinguis re-  
centibus vena-  
tis natis vocant  
fuisse  
Christiſmus ſignatus, vena-  
tis patient  
cristianum,  
cristianus fide  
Varronianus  
pre ianitione  
hian diſcrimi-  
num mita, ali-  
trum acutum  
cratum effe  
hic non ob-  
ſcur ſanctus,  
cum preſenti-  
um iſtius  
frangulatum  
fuisse. Vide  
Vidit.

## Sect. I.

Laws by their  
Dates seeming  
to have been  
made by him.

II. So died *Jovian* in the eighth Moneth of his Reign; and such is the Character given of him, which can amount to little on any account, none being able to say how he might have proved, as neither his Predecessor himself, had they had those Opportunities and Temptations, for practice of good and evil, which are wont to be plentifully afforded in long Governments. Some Laws there are extant in *Theodosius* his Code, which are wont to be ascribed to *Julian*; but the Dates of them (ittruce) evidently shewing, that they were made after his Death, they are to be restored to *Jovian* as their Author, with an account of what they principally concerned. *Julian* died as we have seen in the Moneth of *June*, and yet there are several Edicts said to be his, though dated in that of *October* and after. By the first of them, what Writers tell us concerning the Luxury of this Age, and that particularly as to Building, is somewhat illustrated. *Ammianus* taxes the Souldiers, amongst other things, for not being satisfied without they lived in Marble Houses; and by a Law of *Julian*, which we have already mentioned, concerning *Africa*, it appears how the *Curſus publicus* was wont to be burthened by conveyance of this kind of Stone in that Province for private Buildings. Most commonly it hath been found, that Hospitality and other good qualities have gone down most, when stately Houses have gone first up; yet however this tending to the Ornament and Beauty of the Empire, whether *Julian* or *Jovian* was the Author, an Edict was made, by which for prevention of the scarcity and dearth of Marble, Licence was granted to every one that pleaded to dig for it, that by that means many good Veins might be discovered. But if the Date would permit it, it might easily be guessed that *Julian* made this Edict, and thereby aimed at the rebuilding and ornament of the *Pagan* Temples, more than the lustre of other Buildings. Whether he made this Law or not, that he was no Author of the next which follows, there are more than one convincing Arguments. As it was the Custom of bountiful Princes to give or assign Lands or Estates to private persons, as they saw occasion; so was it usual, and with very good reason, that when the Treasury was exhausted, and there was pressing occasion for Money, an Imposition of Gold or Silver was laid upon those Estates, which having been received in free gift, it was much more reasonable that they should be charged than the Inheritances of other persons, or such Possessions as they had purchased by their Care and Labour. Now hereupon arose a Case, whether if such Impositions were to be laid upon such Lands thus freely given, they were not also to be extended to others, that had been confiscated, and for such Reasons as pleased the Prince, had been an Edict restored to the former Owners or their Children. This question by an Edict directed to *Aginatius* the *Consularis* of *Byzaceda* from *Mopsuestia*, on the twelfth of *November* the Emperor decides in behalf of those to whom such Lands were restored. He affirms it absurd and not agreeable with the Tranquillity of his time, that such as had been prohibited should be rendered obnoxious to the Collations of Gold and Silver, which had been imposed by *Constantius*, of Blessed Memory; for as much as there is a vast difference betwixt those that enjoyed what they had by the Munificence of the Prince, and such as had deserved to have their own restored to them. Indeed the Law is so favourable in this case generally, that restored Estates seem as if they had never been taken away; and Restitution doth not create any new Title, but causes the old one to return, and to be in force, as the Interpreter of the *Fendal* Laws affirm, when a Vassal is pardoned by his Lord, that no new Grant is to be made of his Fee, but the old Tenure only renewed; and a Fee which hath been forfeited and restored, is not to be accounted to have belonged to the Lords Domain, or by any such Forfeiture incorporated with it. Observable it is, that to *Constantinus* is attributed the laying of the Impositions upon Lands freely given by the Prince, and reason he had to lay them, he and his Father having granted many Possessions and Goods, formerly belonging to the Temples of Idols, as the *Pagans* in vain complained. For this reason we may be assured *Julian* would never have laid he was *Divus Memorius*, or of Memory suitable to that of their *Divi*, being so far from it, that having an inveterate grudge to *Chi* and *Chappa*, he ever upon occasion makes mention of him and his Father without any note of Honour, as other Princes of what Religion soever, are wont to do toward their Predecessors. Nay, sometimes when he abrogates their Constitutions, he will not deign so much as to name them. This is a sufficient proof that he was not Author of this Edict, which bearing Date from *Mopsuestia*, further evinceth its Original to have been from *Jovian*. For we see that *Jovian* from *Antioch* travelled into *Cilicia*, a Town of which Region was this *Mopsuestia*, so called from being the Habitation of *Mopsus*, an old Poet or *Faun* of those Quarters.

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L. de Metall.  
& Metallarius  
Cod. Tit. 10.  
tit. 10. Abſt. a  
Cod. Tit. ut  
temporaria.

L. x. de Col-  
latione Donat-  
ionum, Cod.  
Cod. Tit. 11.  
tit. 20. Abſt.  
hujus tit. L. d.  
omnes a Cod.  
Jul. carum lo-  
ca nunc ita  
palla ex No-  
vella Theodoſii  
23. Vide Ge-  
roſſi, in l.

SECT. I.  
One against  
the Frauds of  
the Numerarii.

12. On the twenty seventh of November following was published at *Viminacium*, a City of *Ilyricum*, and directed to *Maximianus, Prefectus Prætorio* of that District, an Edict against the Frauds of the *Numerarii*, who had the management of Tributes in their hands, and thence opportunity to do very great mischief. As *Fulian* formerly, so now he subjects them to torture in Examinations, a course taken only with vile or mean persons, and not only those that were meanest in condition, but even such as belonged to the *Prefectus Prætorio*, and this reason is given for it, that they were wont to have *Auditors* or Assistants, who were not to be endangered or prejudiced by their Accounts, but each one was to stand upon his own Legs. On the ninth of December another Edict bears Date made in behalf of the *Senarii*: These were a Body, Company, or Society of men, whose Employment it was to provide Hogs Fleth for the service of the People of *Rome*, or of *Constantinople*, and that it seems from the time of *Aurélian* the Emperor, to whom is ascribed the first and free Allowance of this sort of Fleth to the *Romans*, being divided and distributed man by man. For there were certain Provinces of *Italy*, in which the Possessors of the Lands paid an annual quantity of *Lard* or Hogs Fleth in way of Tribute; as *Campania*, *Lucania*, *Bruttium*, and *Samnium*. And though at last it was paid, *in specie*, yet afterward *Constantine* left it to the discretion of the Countreymen themselves, whether they would pay it so, or the value of it in Money, to prevent Abuses frequently committed by the *Senarii*, in reference to the Weight thereof; for it was ever to be weighed, and they were not to trust their Eyes alone in this matter. When Money was paid, it was to be at Market-rates, or at such prices as then were usually paid in the several places. Such order did *Constantine* take; who also to supply the Number of those *Senarii*, which in his days was very much lessened, forbade any to be executed from the Charge, either by pretence of any Dignity, or any Rescript of the Prince himself. And as for those who had already deserted their station, he commanded they should either be forced back to the Service, or hire others to discharge it for them. But still it was in the power of the Tenants to pay *in specie* or in Money, as was said. Now by another Constitution belonging to *Jovian* or *Fulian*, and directed to *Apronianus, Prefect* of the City, Money is ordered to be paid in *Campania*, in lieu of all such Fleth; and a Method and Standard is declared as to the Payment: wherein could be no such miscarriage, as in the weight and conveyance of it *in specie*. A Market-rate was to be allowed by the Tenants to the *Senarii*, (who at their own peril should therewith provide Fleth it self for the People) not exceeding six *Folles* for every Pound, (the Silver sort of *Folles* are here to be understood,) which whosoever exacted above, should be bound to pay so much to the Treasury. But whereas it was found by experience, that the Officials of the greater Officers were wont to be burthenom to the Provincials, and make use of their power to harraile and fright them out of their Money; Order now is hereby taken, that neither those belonging to the *Prefect* of the City gather this Money, nor the *Senarii* themselves, but the Officials of the ordinary Governor, or the *Consularis* of *Campania*, who at his own peril was to see to the due management of the Levy and Return of the Money which was to be paid, as the Market went in *Campania* it self, and not as the Price held at *Rome*. And *Campania* here seems especially to be mentioned, both because it served *Rome*, as a mighty Storehouse, with Hogs Fleth, (as also it did with Wine and other things,) and for that it was under the Jurisdiction of the *Prefect* of the City, being part of the *Urbicarian Dioecese*. This Law might well enough be *Fulian's*, and a mistake made in the Date thereof. But another follows, which is rather to be ascribed to his Successors, as contrary to his Humour so violently bent to force persons to the Services of Corporations. For this Edict dated at *Antioch* on the one and twentieth of December, excuseth from such Services such as had served as Souldiers upon the Limits, for the space of ten years, being intended as an Encouragement to them that had ventured their Lives against the *Persian*. In favour of these Souldiers *Forian* made another Law concerning their gathering of Forage; for as *Fulian*, to ensure them to Labour, had yielded they might fetch it at twenty miles distance; that they might not be too much put to it, and be too long from their Colours, he ordains, that they be not forced to fetch it any further.

AD.  
364.

Vide Variat.  
las & L. l. li.  
4. Cod. Theod. 14.  
de Senariis, Præ-  
cautionibus, &c.

Valentinian  
chosen Em-  
peror.

Reprohends by  
a speech such  
as would have  
him had a  
Colleague out  
of hand.

L. 5. de De-  
votionibus Cod.  
Theod. 1. Cod.  
Theod.

L. 9. de Senariis  
militariis Cod.  
Theod. 1. Cod.  
Theod. 1. L. 2.  
de Senariis.

## SECT.

## SECT. II.

From the Death of Jovian to that of Valentinian, preceding  
the Irruption of the Barbarous Nations into the Empire.  
The space of Eleven Tears and some Ten Moneths.

1. THE Body of the deceased Emperor being with due Rites prepared and sent to *Constantinople*, to be interred with his Predecessors, the Army dislodged and came to *Nice*, the Metropolis of *Bithynia*. There the Officers falling into a serious Debate about the Election of a new Prince; one *Equitius*, an odd-humoured man, Tribune of the first *Schola* of the *Senarii*, was named by some few of the meaner sort, but quickly rejected; and after him *Favarius*, one joyined in Affinity with *Favian*, and then commanding in *Ilyricum*; but he being neither approved because so far off, *Valentinian* was chosen by universal consent, at this time Tribune of the second *Schola* of the *Senarii*, and left at *Anagya*, with Orders to follow after *Favian*. He was the Son of one *Gratian* a *Pannonian* of the City *Cibale*, and surname *Flavacius*, for that five Souldiers were not able to wrest from him a Rope he carried in his hands: and upon this account being taken into the Army, afterwards carried to great Preference. Messengers were dispatched away for *Valentinian*, but being at such a distance, for ten days space there was none that fate at the Helm of the Commonwealth; only *Equitius* and *Leo*, who served under *Dagalaiphus* the *Magister Equitum*, in the Accounts of the Army, took as much care as they could for securing his Interest till his Arrival. Coming to *Nice* he would not stir out nor be seen on the *Bisextile Day*, as unlucky to the *Romans*. Towards Evening, by the Advice of *Salustius* the *Prefect*, command was given, that under Pain of Death none of the greatest Quality, or suspected to affect the Empire, should stir out the next morning: But as soon as it was Light all the Army was drawn together in the Camp, and *Valentinian* ascending a lofty Tribunal was declared Emperor, adorned with the Imperial Habit, and saluted *Augustus*, on the fifth before the Calends of *March*. Preparing to make a Speech, when he stretched out his Arms to gain Affection, a Seditious Noise arose amongst the ordinary Souldiers, who required that another or second Emperor might be chosen. This at first was looked on as a matter of no moment, and procured by some of the Malecontents: but the Stir continuing, and growing more violent, there was just reason to apprehend an universal Tumult. Which *Valentinian* having more cause to fear than any other, yet courageously again lifting up his right hand, adventured to catch some he perceived to be more peremptory and unquiet, and after a little disturbance got the liberty of going through his Harangue to this purpose.

2. I exceedingly applaud my self, and ever shall, you most Valiant Defenders of the Provinces, in the favour you have conferred upon me, by devolving on me the Government of the *Roman World*, when I neither expected nor desired it. What was in your own power, while the Choice was not yet made, you have (I hope) laudably bestowed, having preferred to the highest Pitch of Honour a Person, whom from his Youth hitherto you have experimentally known to have lived as unblameably, so not without Splendour. Attend therefore quietly, I beseech you, to what (though with mean Expressions) I shall propound to you for the Publick Good. Considering and weighing with my self as a Man, what the heavy Burthen of Empire is, and the Multiplicity of Accidents ever attending so great a Charge, I nothing doubt or contradict, but that having a Colleague is very proper for all Events. But we are especially concerned to aim at Concord, by virtue whereof even mean and contemptible Beginnings receive strength and growth. And this will easily be compassed, if you will have but a little patience, and permit me to buckle to mine Implement. I hope Fortune, that is wont to assist good Counsels, will give me Temper and Moderation, after which I assure you I shall most earnestly aspire. For as wise men say, Not onely in Government, wherein Dangers are both greater and more imminent; but also in private and ordinary Affairs, it may be have a man to unite with one, whom he formerly judged his Enemy, but not esteem him as such, after he is once united with him. On my part I promise you all good Offices, and require that, continuing constant and loyal, you refresh

F f

your

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**Sect. 2.** your selves in your Quarters, where you shall speedily receive what is wont to be given after a Promotion of this nature.

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He assumes his Brother Valens for his Colleague.

**The Barba-  
rous Nations  
up on all sides**

The Empe-  
rours lying at  
*Constantinople*,  
take care for  
the victualling  
of that City  
and Rome.

23. Having ended his Speech, an unanimous Consent was given to what he had said, even by those who had endeavour'd the contrary with very much earnestness; and now with Engines display'd and a numerous Train he is brought to his Palace. There calling together the Officers as one resolv'd to follow their Advice, he asked them whom they thought fit to be joyn'd with him in the Empire. Whereat when all others kept silence, *Dagalauphus* answer'd with confidence, That if he bare respect to his Friends and Relations, he had a Brother; if to the Commonwealth, it were convenient that some other should be found out. He was inwardly moved with the liberty of this Speech, but suppress'd his Anger, and the second day after his Promotion he let forward, and with speed march'd to *Nicomedia*, which he enter'd on the first of *March*. Here he left over his Stable his Brother *Valens*, with the Dignity of *Tribune*; but departing to *Constantinople*, there considering the weight of his Affairs, as an ease to his Burthens he resolv'd no longer to defer it, but on the twenty seventh of *March* bringing him forth into the Suburb *Septimius*, (so called from being seven miles from the City, where *Valens* adorned the Tribunal with Marble Stairs and Tables, and generally it was used thenceforth by succeeding Princes as the place of their Coronations) he declared him *Augustus* with universal consent, for none dared to oppose it. Thus promoted he carried him back with him in his Chariot, habited with the Imperial Robes and Diadem, which signified him to be equal with him in Power, though he obeyed him more like some *Apparitor* in the Judgment of *Ammianus*. The Solemnity being over, both Emperors were seiz'd with violent Fevers, which held them long, but both recover'd; and then, as they were far more dextrous at making Inquisition, than at composing of matters, they gave in charge to *Ursatius* the *Magister Officiorum*, a cruel *Dalmatian*, and *Fruventius Sifacianus* the *Questor*, to make inquiry into the Cause of their Dilemper; out of design (as *Ammianus* and *Zosimus* will have it) to cast dirt on the Memory of *Fulian*, as having been bewitched by his Friends; but the thing came to nothing, no Discovery at all being made. Now at this time it was, that as if an universal Alarm had been sounded throughout the Empire, the fierce and barbarous Nations round about Gaul, and invaded the neighbouring Limits. The *Allemans* at the same time wafted *Gall* and *Rhetia*, the *Sarmatae* and *Quadii* infect *Pannonia*, the *Piſi*, *Saxons*, *Scots*, and *Avares*, with continual Miferies afflicted *Britain*; the *Althorians* and other *Moorish* Nations troubled *Affrike* more than ever; roving Companies of *Goths* made Depredations at *Thrace*; and the *Persian King*, began to lay hold on *Armenia*, pretending that after the Death of *Sorican*, with whom it was that he had enter'd into a League and concluded a Peace, nothing ought to hinder him from recovering what had belon'd to his Predecessors.

4. The two Brothers and Emperours spent thirty days in *Constantinople*, and therein applied themselves to the Reformation of such Abuses as were represented to them. Wherefore signified how *Constantine* the Great, to encourage such as built and inhabited his new City, assigned a large quantity of Bread to be distributed to the Inhabitants. Hence is this Bread termed in the Edicts of Princes, *Bread of Houses, Bread of Buildings*, and the like, to the Houſes it being fixed and appropriate for their Maintenance and Repair. This was the fence of *Valentinian*; and ſuch, by a Conſtitution bearing Date of the twenty ſeventh of *March*, he declares it and ordains, that it be lawful to none to ſell their Houſes, and yet reſerve the Bread to “ themſelves. In caſe any Houſes were depopulated, or by any means ſell to ruine, “ and this Bread came to have no Owner, he declares that it falls to the Treſury. “ Partly from this, but eſpecially from many other Laws, it appears how great the care and endeavour of *Valentinian* was, for the due ordering of this Charity of *Conſtantine*, and alſo for ſupply of both *Constantinople* and *Rome* with Proviſions. For ſupply of theſe Cities much Corn was yearly brought from *Sicily, Egypt*, and elſewhere, as we have already ſaid, and laid up in the publick Granaries: the Overſeer whereof was the *Præfeſtus Annonæ*, who was under the diſpoſition of the *Præfeſt* of the City, as the *Noviſta* ſets him. Now for the better ordering of theſe Proviſions *Valentinian*, by another Edict of the eighth of *April*, directed to *Poſtulaſtus* the *Præfeſt* of *Rome*, commands that his Officers ſhould have nothing to do with the “ ſaid Proviſions. In the next place, that he the *Præfeſt* ſhould do nothing with “ out the advice and conſent of the *Præfeſtus Annonæ*. Next, that the old Proviſions, or ſuch as had been laid up in the foregoing *Præfeſhip*, ſhould be ſpent be- “ fore the new were touched. Again, if the old Corn was lo ſpoiled, that it would “ not ſell without complaint and diſturbance, new ſhould be mixed with it. And for “

*Panes Edium,  
Panes Edifi-  
ciorum.  
L. I. de Anno-  
nis Civicis,  
Cod. Th.  
Panes caduci.*

Publica Hor-  
rea.

L. x. de Condi-  
tis in publicis  
Hortis, Cod.  
Thl. xi. tit.  
14. & l. x.  
Cod. Inst. eod.  
tit. hinc de-  
sumpta est re-  
cisa huius l.  
prima sententia  
velut tempora-  
lid.

Sec 3. the better performance of all that was enjoyed, he will have the *Profect* himself make a choice of a Keeper and Measurer, who in respect of his honesty and prudence may be fit for such a Trust. Some Interpreters have been mistaken in several respects about this Law, in taking this Bread to be the fame with the *Panis Graditio* or that which was bestowed freely by the Emperours upon the People; whereas it is to be understood of such *Alms* and Provisions as were provided only for supply of the City, but sold out at reasonable Rates. And they think this mixing new with old Corn, to be against the Rules of honesty, whereas it is still practised in other States, and then the grain is sold to the Bakers. And whereas this Law is dated with the Consulship of *Drusus Joventinus* and *Varronianus*, whereas it is dated Front, for Authors, *Valerianus* and *Valens*, there's one that goes about to reconcile this great difficulty, by this salvo, that *Joventius* first made the Law, but his ordinance death hindered the publication of it; and therefore the following Emperours now executed it. But though *Joventius* and *Varronianus* were both dead; yet was it the custome to have the Consulship of the year, filled out by their Names; only with distinction of the word, *Drusus*, to shew they deceased.

They make a  
Partition of  
their Officers  
and march.

*Valentinian*  
Westward  
toward  
*Milan*, and  
*Valens* toward  
*Constantinople*.  
Eastward.

How the Empire was divided between them.

5. From *Constantinople* the Emperours passed through *Thrace* to *Najissus*, and in a neighbouring Village called *Mediana*, distant some three Miles from the City, being now quickly to part asunder, made a Division of their Officers. *Valentinian* took to himself *Jovianus*, who not long since had been by *Julian* advanced to be *Magister Armorum*, in *Gall*, as also *Dogalaiphus*, who had been preferred by the late Emperour to the like Command. To follow *Valens* into the East, was *Vitellius* appointed, one whom he had also promoted, and with him was joyned *Armenius*; as for *Lupicinus* he had been also by *Jovian* already made *Magister Equitum*, for defence of the Eastern Parts. To *Equitibus* was given the Command of the Forces in *Illyricum*, and *Serontianus* though out of Service, was again taken in, and girt with the Military Girdle, because a *Pannonian*; and being appointed to wait on *Valens*, was fet over the *Schola* of the *Domeficks*. They also divided the Forces of the Empire, and being come to *Sirmione*, each now furnished and attended as pleased *Valentinian*, he departed toward *Milan*: 3. and *Valens* the contrary way, toward *Constantinople* and the East. Thus much *Ammianus* tells us in short, not mentioning in express terms the Division of the Empire, which yet is easily to be concluded from this Relation. It's evident enough from that and other passages, that *Valentinian* reserved all the West (which had fallen to the share of *Constantine* the younger, and *Constant*) to himself, viz. all *Illyricum*, with *Macedonia*, *Italy*, *Africa*, *Gall*, *Spain* and *Britain*; and to *Valens* his Brother, left all the East, with *Thrace* and *Egypt*; which Division is to be retained in mind, as for other Reasons, for especially, for a distinct knowledge what Laws after their parting asunder, had *Valentinian*, and what had *Valens* for their Author; for according to the Custom, though a Constitution was made by one Prince, without the knowledge or concurrence of the other, yet it bears the Names of both, and his in the first place who was Senior in the Government. But, before we come to speak either of the Laws, or other Acts of them when parted, we must acquaint the Reader with other Edicts made by them while still together in their Progress through *Thrace*, and the quarters adjoining.

A Law made  
by them,  
while toge-  
ther, for the  
better provi-  
sion for Soul  
diers.

6. The first in the *Code* which bears date after those made at *Constantinople*, is an Edict said by the Subscription to have been dated at *Antioch*, which is not to be understood of the great City of *Syria*, but an Island of this Name near the City of *Constantinople*. This relates to the Provisions of the Army (in the care whereof it appears not only from the Laws, but History, that *Valentinian* was very accurate) and ordains that the *Domeslick Prætorians*, who not only waited on the Prince, but served also in the defence of Places in the Provinces, and in this respect were under the disposition of the *Magiftri Militum*, should have theirs allowed them according to the Market Rate, in money by the *Præfēt* of the City of *Rome*, to whom the care of such matters belonged. As he was very careful that such as were in service should be duly supplied, so by consent of all Historians, he was a most severe Exactor of Military Discipline, and that appears also by his several Laws concerning this Subject, wherein he imitated the prudence and justice of a Master toward his Servants; who as he is careful they want nothing, but have Wages duly paid them, so strictly requires that his work be not neglected. His first Edict of this nature, bears date from *Hadrianople* on the twenty ninth of *April*, and seems to have been occasioned by what *Ammianus Marcellinus* writes concerning the Barbarous Nations; at this very time infesting the Empire on all quarters, and particularly the *Goths*: their rroubleing of *Theose*, whereupon the Emper-

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Amaya qat  
refutatum v  
a Gotb. in  
Com. ad b. l.

l. 10. de Ere-  
gatione mili-  
tariæ Annone  
Cod. Th. lib.  
7. Tit. 4. De  
x. Kal. Maii.  
Antischia De  
vo Joviano  
& Varronia-  
no Cesi:  
Abrst à Cod:  
Just.



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rouers were in motion. The *Veterani*, or *Emeriti* Souldiers, as we formerly hinted, enjoyed such great Privileges, that when there was any vehement occasion which pressed the Empire to a greater, and more sordain supply than ordinary; their Sons were called out to service, and that as is thought, first by an Edict of *Constantine* the Great, upon occasion of the *Sarmatian* War; whose Example his Successors followed, by publishing their Letters of Summons throughout the Cities, upon such emergencies. This now doth *Valentinian*; and to encourage them, declares, that they shall have the Pay, not usually given to *Troops*, or new raised men, but such as was due to those that had served a longer time; which was larger than the other: If these Sons of the *Veterani* were unfit for the Wars, by reason of their want of health, the inability of their Bodies, or the unproportionableness of their stature or limbs, that then they should be bestowed in other Employments, as amongst the *Officiales* of the *Proconsuls*, *Consulares*, *Corredores* and *Presidents*; in case they refused to serve in the Wars, having none of these defects nor excuses, he subjects them to the services of Corporations; but not such as were utterly rendered unfit by any disease, or other necessary Impediment.

By another they call the Sons of *Veterani* into the Field.

Much zeal they shew for the service of the *curia*.

19. For the service of Corporations, he shewed also much Zeal, the Splendour of which, as he himself saith, being a thing very acceptable to him; and in order to this, the very next Edict now mentioned in the *Code*, was ordained by him. But he proceeded in a middle way, without those extravagancies committed by *Julian*. For the nomination of the *Curiales*, he thought fit afterwards, that none should be made such, but those that were chosen by the *Curia* themselves; inasmuch, that by way of punishment he would have none condemned to those Offices, no not the *Tabularii*, who in due time had not given up their Accounts. But even Merchants themselves, if they were owners of any Lands, he permits to be nominated to these Services, and commands the Sons of the *Veterani*, who had been *Curiales*, to be appointed to these Employments. The Employments, or Burthens, he will have by degrees imposed on the *Curiales*, and not for them to begin with the greatest. From them none should be excused by any Dignity; namely, that no *Curialis* should be admitted a *Senator*, or enjoy the privileges of that Order, till such time as he had passed through all the Offices, nor be received to the Government of a Province, except he had obtained both *Senatorian* Dignity, and the Government together, or been privileged by some *Palatine* service; and even then he must substitute his Sons in his room. By warfare none should excuse himself, except he had therein served five years, and yet, in such case his Sons must also attend the service of the Corporation for him. Not by being in Orders, without passing away his Estate to one that should succeed him; or to the *Curia* itself. Neither by betraying one self to the Body or Company of those belonging to the *Fabrique*. The Privileges of the *Curiales* the Emperor also Confirms; and especially of those that Exercised amongst them the Pagan Priesthood, or were *Principals*, saving them harmless from all injuries, and dispensing with them from being forced to appear any where beyond the bounds of their own Corporation. These and other particulars appear in those eighteen several Constitutions made by *Valentinian* concerning this Subject, and still extant; from consideration of which *Gothofred* justly wonders both at *Libanius*, and *Ammianus Marcellinus*, who with so many words complain of the defolation of Corporations, after the death of *Julian*; which they would have to have been so great, that in some of them but one *Curialis*, or three at the most, were remaining. What Accidents might happen in some certain places, in so vast a Compass as that of the *Roman* World, none can determine; but in general, we are to believe the Laws still extant, rather than heed their great Zeal to the memory of their *Julian*, who also was out, as to this point of Government, and that by the confession of the most ingenious of those two Persons.

20. And many other things there were innovated by him, which *Valentinian* now found reason to repeal; and, at the beginning of his Reign, to put them into their former course. From another Law made at *Hadrianople*, in the thirteenth of *March* it should seem, that he had lessened the Privileges of some of the Companies appertaining to the City of *Rome*, and particularly of the *Nauicularii*, of whom some belonged to *Africa*. It was their work to bring wood for the supply of the Batches, and other publick services of that City, which not being in capacity to be well furnished, but by encouragement of those whose duty it was to convey such necessities, *Valentinian* now renews the Privileges formerly granted to them, as not long after by another Edict, all Immunities whatsoever which had been given to any Bodies or Companies of *Rome* by the old Laws, or any of his Predecessors. As most Emperours, who expressed zeal for the Publick Service,

vide qua affert Goth. in L. de Novitide. viii.

L. i. de Privilegiis Corporatum in Roma, Cod. Th. l. i. tit. 2.

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Regulate the *Curia* publicae.

The Power of the *Præfetti* *Prætorio* increased.

were wont to have a special regard to the *Curia publicae*, to direct the use thereof, and prevent the too great Burthen of it. So he by eighteen several Constitutions demonstrated his care as to this particular, of which eighteen no fewer than eleven he made within the bounds of very little more than one and his first year. By one directed to *Symmachus*, *Præfett* of *Rome*, he abridges the Liberty formerly used by him or his Predecessors, in granting the use thereof, restraining it only to necessary cases, wherein Power was also wont to be given to Governours of Provinces, to grant the same Licence. But from this as well as other Instances may be seen, how contracted the Power of the *Præfetti* of the City was at this time, when that of the *Præfetti* *Prætorio* daily increased. Had not *Constantine* lessened their Authority, how dangerous it would have been to those who bore the Title of Emperours, evidently hence appears; that notwithstanding the Diminution, yet again they got very much ground in the Advancement of their Power. About this very time by several Laws *Valentinian* confirms the Custom of their examining such Petitions or Complaints, as were to be sent to himself from the Cities or Provinces, requiring that first they should be brought to the Governours of the Countries or ordinary Judges, and there be entered in their Offices; but thence transmitted, without any alteration or diminution, to the *Præfetti* *Prætorio*, who examining the matter, should therein take order of his own Authority, if it might be done; or else, transmit them to the Emperor himself, if he thought them fit for his notice. If so he doth, he will have but one Messenger of the City or Province to come along with the *Miffive*, both for saving Expence, and to prevent the Burthening of the *Curia publicae*. Yet sometimes, as appears by History, more Persons were wont to be sent on those Errands.

*Valentinian* takes care for providing Rome of Necessaries.

21. But amongst the Laws he made at this time, very remarkable is one large Constitution, whereby he demonstrated his extraordinary care for supplying with Victuals the City of *Rome*, which now, as we may therefore collect, was under some pressure in reference to Provisions. Therein he takes order that the People shall be served with good Bread, regulates matters belonging to the publick Bakers, who were a Company obliged (both they and their Children) to this Service; provides for the supply of Corn, the Repair of the publick Granaries, and the Privileges of those who burnt the Lime for such publick uses. There was yearly a great quantity of Grain brought to *Rome* out of *Africa*, *Sicily*, and *Sardinia* especially; of which some (as we have already hinted) was made into Bread, and gratis bestowed on the People by the Emperours, called *Panis Gradilis*, and the rest was sold by the Bakers; and with it made that styled *Panis Obfensilis*, who had their Store-houses in the City for the keeping of it, (at this time about three hundred). And of this *Valentinian* orders two hundred thousand *Modii*, and no more, of the very best; to be sold them at reasonable rates, that they might not obtrude ill Bread upon the Citizens. Further, lest any Deceit should be used in the Conveyance, he will have the Corn to be carried by the ordinary Porters belonging to the Wharf; and that there might not want Assistance at the Bakehouses, as *Constantine* the Great had ordained; That such as were condemned for lesser Crimes should be sent to those Houses, he renews or reinforces the Law in this particular. And this same year upon his travelling Westward, when he granted a General Pardon and Indemnity, he yet excepted out of it such as had been condemned to this Drudgery. And lastly, lest any of the Corn wont to be brought to *Rome* should be diverted, he absolutely forbids any Money to be received in the room thereof. All this Endeavour of his for supply of *Rome* was promoted by *Symmachus*, who was now *Præfett* of that City, to whom these Laws are directed, and of whom *Ammianus* gives this Testimony, That having succeeded *Apronianus*, he made all things more plentiful there than usual, and built a strong and most beautiful Bridge, to the great contentment of the People. This we must conclude was with the Knowledge and consent of the Emperor, because this very year by another Edict directed to him, he forbids any new Work to be raised in that City without his Order, although he gives free leave to repair any Building that was decayed.

22. But though such was his Resolution in relation to *Rome*, which being too great already, there was reason to restrain the Extravagancy of Building, he made shortly after another Law, importing a quite contrary Command, because relating to another place, and for a quite different reason. He and his Brother now lay at *Naissus* or *Mediana*, three miles distant from it, and near to that part of *Dacia* called *Dacia Ripensis*; but now they were ready to part, the Barbarous Nations were all up round about, and these Quarters were threatened with the Inroads of the *Goths* amongst others. For the safety of them therefore he directs an Edict to *Tasmodes*, the

## AD.

3 6 4.  
L. 17, 18.  
Pro de *Curia* publicæ.  
Th. 8. tit. 3.  
l. 19.

L. 34. de *Legatis* & *Declarat.*  
Præd. Cod. Th. l. 1. tit. 12.

L. 34. de *Præfectoribus* L. 2. de *Calis* & *Declarat.*  
Præd. Cod. Th. l. 1. tit. 12.

Canon *Præfectoribus* L. 1. de *Consecratione* arborum *Roma*, Cod. Th. l. 1. tit. 15.

L. 5. 6. 7. de *Panis*, Cod. Th. l. 1. tit. 15.

L. 8. de *Annatione* & *Tributis*, Cod. Th. l. 1. tit. 1.

L. 1. de *Operibus* publicis, Cod. Th.



## Sect. 2.

charge of others, or afforded to the People by the Judges themselves. Moreover there was great Robbing practised at this time in Italy, which indeed never was, nor at this present is free from *Banditti*, for prevention whereof, when other means failed, *Valentinian* resolved to forbid even the Use of Horfes, as that which especially conduced to the motions of those fadain Incurfions, and the speedy retiring of the Thieves to their lurking places. The Use and having of Horfes he prohibits to all the Inhabitants of thofe Provinces, viz. *Picennum, Flaminia, Apulia, Calabria, Britti, Lucania* and *Sauntinum*, fiveforts of Perfons excepted, thefe were *Senators, the Honorati, the Governours of Provinces, the Veterani, or Emerite Soldiers, and Decuriones*, the feveral ranks and conditions of whom he concluded would put them upon higher degrees than thofe of Robbing. Particularly, the *Honorati* were fuch as had born Honourable Offices, whether Military or Civil, were not of the *Curie* or Corporations, as fome have miftaken; but others, to whom were equal in Dignity the Principals or *Primates* in the Cities, though fometimes the *Honorati* be alfo compared with *Senators*. For thofe in the Country, or the *Provinciales* as they are ordinarily called, were ufually diftinguifhed into the three Ranks of *Honorati, Decuriones, Possessors*, or Freeholders, and *Colonic Tenants*. But befides the true and Original fort of the *Honorati*, who had born Offices, there was another which obtained this Degree, by the Letters Patents of the Prince. Both forts had many Privileges, as of entering the Towns and Cities in their Chariots, Leave to come to the Senate-Houfe, and fitting on the Bench with Judges, except they themfelves had Caufes to be heard. In this Cafe, *Zeno* the Emperour appointed them a place below the Judges, but above the common Croud; as is now practised in *France* towards Princes themfelves, when their matters are heard in the Chambers of Juftice. But as to this Law againft the Use of Horfes, it feems to have been chiefly occafioned by the great Drowes of Cattel, with which fome of thefe Countries, to which it hath relation, very much abounded. And for this Reafon, five days after the Date of it, by another Conftitution, he provided for the fecurity of *Campania*, which pleafant and fruitful Countrey was alfo full of Cattel, and ferved *Rome* with Provisions. To prevent the ftcaling and driving of them away, he forbids the Use of Horfes, both to thofe that looked to his own Herds there, and to the Stewards and Officers of *Senators*, who were apt to bear themfelves high upon the Grandeur of their Mafters, and prohibits the travelling abroad with any fort of Weapon to all in general; fuch only excepted as fhould obtain Leave of wearing them from himfelf.

26. But ever muft it be fuppofed that Souldiers were alfo to be excepted from this Inhibition, who were not bound to lay down Arms, till difmiffed by Authority, or that they had ferved up their time, and were become *Emerite* or *Veterane*. To thefe either he or his Brother had now an efpecial regard; and as they deferved maintenance and due Encouragement, to fix and ascertain it, they publifhed another Conftitution, at the latter end of this year, whereby to all their Subjects, or Provincials in general, they made known the Confirmation of fix feveral Privileges, or Inftances of their Munificence unto them. The firft is that they may chufe their Habitation where they pleafe; which to all it was unlawful to do without the Indulgence or Leave of the Prince. In the fecond place they give them Immunity from all Civil and Perfonal Charges or Services, or rather confirm that which had been granted by former Laws. In the next they permit them to feize to their own Ufe any Vacant Lands as they were termed, or fuch as were derelict or owned no Mafters; which, within fo vaft a compafs as that of the *Roman Empire*, muft often fall to the Publick, and for thefe Lands, or others they poffeffed, they fhould pay no Rent, or yearly acknowledgement. And fifthly, for the improvement of thofe grounds, they fhall receive at the publick expence, from the Governours of Provinces, both Cattel to till, and Seed wherewith to fow them, which provifion *Conftantine* the Great, had formerly made, but not in the fame proportion. For whereas he, without any diftinction, had ordered to each *Veteran* one yolk of Oxen, and an hundred *Modii* of Corn; they by this Edict both increafe the Allowance in fome fort, and make a difference of Perfons, allotting to fuch as had the Dignity of *Profectors*, two pair of Oxen, and an hundred *Modii* of Grain, and to the reft one pair a piece, and fifty *Modii*. For fuch as enjoyed the honour of *Profectors*, were in feveral refpects more privileged than the reft: In criminal Caufes they were not judged by the ordinary Magiftrates, but by the *Præfides Prætorio*, and had larger Immunities both from that called *Luftralis Collatio*, and the ordinary *Confefio*. And in the laft place, they grant them Immunities for their Slaves, and Families, which they fhould bring upon fuch Lands

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L. 1. Equilium  
quorum alia  
confeffio est  
et Cod. Thib.  
9 Tit. 20. dicit  
a Cod. Juf. ubi  
cetera omnes  
leges hujus Ti.  
tuli.

De Honorati  
vide fupra difc.  
Interim Gethof.  
ad L. an. ad Offi-  
cium Judic. Tit.  
1. lib. 1. Tit. 8.

L. 2. Quilium  
vide fupra difc.  
et Cod. Thib.  
9 Tit. 20. dicit  
a Cod. Juf. ubi  
cetera omnes  
leges hujus Ti.  
tuli.

L. 3. de Veterani  
cod. Thib.  
9 Tit. 20. dicit  
a Cod. Juf. ubi  
cetera omnes  
leges hujus Ti.  
tuli.

## Sect. 2.

Lands. This Conftitution containing a more full Enumeration of the Privileges of thofe old Souldiers, of whom and of which we often make mention, is more than ordinarily to be taken notice of.

15. As *Valentinian* hereby took care for the Reward of fuch as had well deferved of the publick; fo by another Edict dated a few days after, he provided againft the immoderate punifhment of fuch as had been offenders againft the Laws. *Conftantius* had formerly granted the Eftates of condemned perfons, the Crime of Treafon only excepted, to their Children if any could be found within three Degrees or Defcendants; but he by this Edict extends it to all their Pofterity without exception; fo as not only *Poffhumi* are thereby included, but even all Defcendants in infinitum. And now this year, which fill bore the Names of *Favian* and *Varonian*, his Son, drew to an end, and gave way to the firft Confulfhip of the two Brothers: This was the Cuftom, that upon the Designation of new Confuls Mefengers were wont to be fent into the Provinces with the News; as alfo upon any other occafion of publick Joy, as of a Victory, the Triumphs of the Emperours, making of Peace, and other matters. Thefe Mefengers were alfo wont to exact Money as a Reward from the poor and mean, as well as from the rich, which was termed *Sportula*; and this was alfo wont to be taxed or levied by the Governours of the Provinces, which proved a great Vexation and Burthen to poor people, as *Amianus* complains of it in the time of *Conftantius*. If Credit may be given to the Flourifhes of *Libanius*, *Fulian* had reformed this Abufe, although no Laws we find of his made upon this fubject: However it was now become fo grievous and intolerable, that *Valens* lying at *Conftantinople*, fixteen days before he entered upon the Confulfhip, thought fit by an Edict to obviate this impending Mifchief. Thereby he commands, that when upon occafion of any new Confuls fuch Mefengers were fent abroad, upon their behalf no Impofition fhould be laid, nor any one dare to exact or require any Contribution. Indeed if any of the *Honorati* or *Cyridales* would of their own accord give any thing, they might freely do it. In cafe any Governour of a Province laid any fuch Impofition, fuffered it to be exacted, or connived at any perfon offending againft this Law, he fines him in twenty pounds of Gold, and his Officers in forty. Now this might have its defired effect upon the Eaftern Parts, and in the Diftrict of *Valens*: But it feems it reached not that of *Valentinian*, nor had that Operation to prevent another Edict of his, which bears date on the eleventh of *January* following, and confequently of his affumed Confulfhip. By this Law, to the Meflage about new Confuls he adds Victory, which probably at this time he had obtained over the *Allemanni* in *Gall*, and other publick Rejoycings; and as to the Penalty, will have the Governours pay the double of what was given, and their Officers four fold. And this by a fecond Conftitution dated from the fame place, after four years herereinforced; but neither in it, in this whereof we now fpeak, nor that preceding of *Valens*, is there any Penalty laid upon the Mefengers themfelves: Which Defect being juftly to be wondered at, *Theodofius* the Great afterward fupplied. Obfervable it is, that to thofe *Apofles* or Mefengers of good tidings, the word *Evangile* or Meflage of good tidings in the Gospel aludeth, and many things contained in the Scripture, wherein *S. Paul*, in the Prefaces to his Epiftles, fhews how far that of our Saviour excels all other *Evangiles* whatsoever, it proceeding not from any mortal man, as was the *Roman Emperour*, but from God himfelf; not concerning any fudden Accident lately befallen, but what was long expected, not concerning any Earthly Kingdom, or the Birth of an Emperours Son, but an Heavenly one, and the Son of God, with other Inftances noted by Learned *Gothofred*, out of that *Apofles* Writings.

16. About this time fome Entercourfe paffed betwixt *Valens* and the Nations bordering upon *Aegypt*, without the Pale of the *Roman Empire*. For, four days before his Entrance into the Confulfhip, or the twenty eighth of *December*, he figned an Edict to *Viftor* the *Dux* of *Aegypt*, importing an Order to feal up the *Pacquets* of fuch Embaffadors as fhould come from them, that they might be brought fafe to his prefence, and opportunity of adding or inferring any thing into their Letters or Inftitutions of the *Reguli* which they brought, might be prevented. By thefe Nations or *Gentiles*, as the Law calls them, muft be meant the *Afymites*, *Homertites*, *Sarcens*, and other People inhabiting near that Countrey, which were under the Government of *Reguli* in thofe days, as is evident from feveral Teftimonies; it being now the Cuftom to call all Nations, that were not fubject to the Empire, by the Name of *Gentiles*. As foon as they fet foot upon *Roman Ground*, or arrived in *Aegypt*, their *Pacquets* were to be fealed up, to prevent their falfifying their Letters they brought, which they might be induced to do at this time, feeing the Empire

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L. 6. de Manu  
Proferiptorum,  
et Cod. Thib.  
11. 42.  
Dat. 7. Cal. Dec.  
emb. 364. ubi  
Abf. a Cod. Juf.

L. 1. 2. 3. de  
quid publice  
Latitæ nentis,  
et Cod. Thib.  
8. tit. 11.

Palmy re-  
forms an ill  
Cuftom of  
Oppreffion  
ufed by the  
Mefengers  
of good News.

Entercourfe  
betwixt Va-  
lens and the  
Nations bor-  
dering upon  
Aegypt.

et Manu  
Gentilium ve-  
nit obligant  
verum tabulas  
et quærit, et  
L. 5. de Legatib.  
et Decretis,  
et Cod. Thib.  
12. tit. 12. Ab-  
f. a Cod. Juf.



Sect. 3.

Courts some  
Souldiers.

draw them over to his Design, and with them that whole Army. Distracted with various thoughts of Hope and Fear, he met them at a place about *Constantinople*, called the *Baths of Anastasia*, from a sister of *Constantine*, where by those mercenary Souldiers, he was received with promise of safety, and a show of Honour, though indeed, but in the nature of a Prisoner, or in such manner as the *Pretorian* Bands, having set the Empire to Sale, received *Julian* after the death of *Pertinax*. There stood he amongst them like a Ghost, or one newly risen out of the Grave, without the Habit of a Souldier, but clothed like a Courier, with a Coat imbroided, and from the groin downwards, being after the fashion of a Page, yet with a Pike in his right Hand, and a Purple Coat thrown upon his left Arm; he appeared indeed like some Player upon the Stage. In this ridiculous manner having fawningly implored their assistance, and promised them great matters, he was carried by the Souldiers who accompanied him, and shewed publicly in the City; though in their passage through the Streets, in great fear they were to be knocked on the head with stones, or tyles cast down upon them from the houses.

Upon the Em-  
perours Ab-  
sence Illyrius.

21. Yet the people made no opposition, nor yet shewed him any countenance, though desirous of change; especially by reason of *Petronius*. Having ascended the Tribunal, a strange amazement seized on all men, which was accompanied with what is usual, a deep silence: Hereat he was strangely dismayed, and imagining that now the means for bringing him to a speedy end, for which he had often with-  
ed, rather than the continuance in his former condition, was at hand, he was seized with a trembling in all his limbs, and therewith struck dumb for a long time. At length he so far recovered his spirits as to speak something with an interrupted and faint voice, concerning his Descent from the Imperial Family of *Constantine*, and this was followed by the applause of a few persons hired before hand, and then by the Acclamations of the ordinary sort in a tumultuous manner, giving him the Title of Emperor. Thus cheered, in an huddling manner, they halted with him to the Palace, accompanied with none but those of base condition. Afterward many came to him, either persuaded, or on their own accords, and others, not hearing this strange and sodain alteration, slipped away and hastened to the Emperor, amongst whom he that used most speed was *Sophronius*, at present a *Notary*, but afterwards *Prefect of Constantinople*; who overtook *Valens*, at *Cesarea in Cappadocia*, as he was ready to march through *Glicia*, for *Antioch*. The knowledge of matters how they stood at *Constantinople* diverted the thoughts of *Valens*, and he resolved to return by the way of *Galatia*, and by a speedy retreat to crush the Rebellion as it were in the egg. While he halted back by great Journeys, *Procopius* procured some Persons impudently to affirm, that they came out of *Gall*, and that *Valentinian* was dead in that Province, where all men would willingly submit to the new Prince. And that so audacious a design, might not want answerable prosecution, *Nebrius*, who through the Faction of *Petronius*, had been made *Prefect of Pretorio*, in the room of *Sallust*; and *Cesarus* the *Prefect of Constantinople*, were both cast into Prison. The Government of the City was committed to *Phronimus*, and *Euphrasius* was made *Magister Officiorum*, two Learned *Galls*; and matters belonging to the Camp, were intrusted with *Gomarius* and *Agilo*, recalled to the Military Girdle, indifferently as the Event shewed. And, because *Julius a Comes* who Commanded the Forces now in *Thrace*, was feared, lest he should come suddenly upon the Rebels, *Nebrius* was forced to write to him in *Valens* his name, to hasten to *Constantinople*, where he was also feared. All things thus seeming to favour them, *Araxius* was by procurement of *Agilo* his Son in Law, made *Prefect of Pretorio*; and on many others, Offices and Employments at Court were conferred. For to did Ambition and Covetousness sway, that though this to wife men could appear little more than Pageantry, and some were constrained to accept of these fine things, yet others made friends and that by money, to come at them.

And his Af-  
airs seem to  
be in a good  
measure.

22. *Procopius* his Estate now seemed reasonably well settled, and for the preserving of it in this posture, a sufficient Army was to be raised, which was easily enough done, those Troops which were to march for *Thrace*, being by great promises allured to swear Allegiance to him, and that with bitter Execrations; who had also the advantage of shewing them the little Daughter of *Constantius*, which he carried in his lap, and thereby his name in Blood both to him, and *Julian*. And it made a greater Impression that *Faustina* the Childs Mother had that day upon some other occasion put on the Habit of Empress. Now were certain Persons sent to draw *Illyrius* to his party, but armed, besides blindness and madness, with no other materials, than Medals stamped with this new Emperours Image, and simple

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Sect. 3.

Valens lays  
Siege to Nis-  
media.In danger of  
being Surpri-  
zed.

simple allurements, whom *Equitius* that Commanded in those parts seized, and put to death with much torture; but fearing he might himself be so treated, he Fortified the Passages toward the North, viz. that of *Dacia Ripensis*, the most famous one of *Succi*, and the other in *Macedonia*, known in Greek by the Name of *Acontisium*. By this means was the Illyrian hindred of his Design upon *Illyricum*, and thereby missed of a notable Advantage; while in the mean time *Valens* travelling through *Galatia*, upon notice how far matters were gone at *Constantinople*; was struck with such consternation, that he thought of casting off the Purple, and had certainly done it, if those about him had not plied him with powerful motives to the contrary; by the advice of whom, he sent before the *Jovian* and *Victors* to break into the Camp of the Rebels. While they were on their way, *Procopius*, lately returned from *Nice*, in five days space having gathered together those called the *Diviteses*, and a promiscuous number of such as had forsaken their Standards, went as far as *Mygdus*, a Town of *Phrygia*, situate on the River *Sangarius*. There the Legions met, and being ready to join, when now the Arrows flew very thick, he boldly stepped forth alone, as to provoke some enemy to fight, but spying one *Vitalianus*, whom its uncertain whether or no he knew, he gently saluted him in Latin, kissed his hand, and gave it him; and when all wondered what he was about, he mildly upbraided him and his fellow Souldiers, for taking the part of a miserable *Pannonian*, who robbed and spoiled all men, and so far he insinuated himself, that though they were come thither animated with Anger and Resolution to fight, they were by his speech and behaviour mollified, nay, quite changed, and vailing their Ensigns to him, which was the usual sign of Defection, passed over to his Party. Instead of the warlike shout to Battle, which the Barbarians termed *Barritus*, they saluted him Emperour with loud voices, and lucky acclamations, and with universal Consent accompanied him to his Pavilion, affirming, after the manner of Soldiers in such cases, that *Procopius* was invincible.

23. This Accession to seasonably made to the strength of *Procopius*, one *Rumitales* a Tribune, who, after his coming over, had received the charge of the Palace, upon mature advice, halted with some Souldiers by Sea, to that City of old called *Drepanum*, at this time *Helenopolis*, and thence with all speed, went and seized upon *Nice*. To besiege it *Valens* had sent *Vadomarius*, who had exercised the Command of *Dux*, and was one of the *Alaman* Kings, while he himself went on to *Nicomedia*. Thence he passed; and with all his might laid siege to *Chalcedon*, from the Walls whereof, many railing speeches were cast against him, and amongst the rest they called him *Sabaianus* or *Beer-drinker*, *Sabaia* being a sort of small Drink made in *Illyricum*, of Barley or Wheat, as at present our Beer or Ale, and in *Pannonia*, where in the Town *Cibalis* *Valens* was born. Being tired out by scarcity of Provisions, and the pertinacious resolution of the Defendants, he resolved to discontinue and begone, when those that lay in *Nice*, sodainly making a Sally bore down all before them, and under Conduct of their stout Captain *Rumitales*, designed to surprize *Valens*, which had been effected, but that he had notice of their coming in the very nick of time, and slipped away by the Lake of *Sunona*, and the every way winding River *Gallus*. By this means *Bithynia* came into the hands of *Procopius*, and *Valens* returning with all the speed he could make, to *Ancyra*, there was revived by the welcome news of the coming of *Lupicinus* with considerable Forces out of the East; wherewith now entertaining new hopes, he sent *Arinthus* an excellent Commander, against the Rebels. He being come as far as *Dadastana*, where *Jovian* died, found thereto stop him one *Hyperechus*, formerly an Apparitor to the *Cæsars* of the Palace, with whom as a despicable fellow, declining to fight, he sent to his men to lay hold on their Leader and bind him, which they presently did. In the mean time one *Vennustus* an Apparitor belonging to the *Comes Largitionum*, under *Valens*, having been formerly sent to *Nicomedia*, to fetch gold to pay the Souldiers that served in the East, upon what had lately hapned, betook himself specially to *Ephesus* with what he had collected. There he met with *Serenianus* the *Comes Domesticonum*, who being sent to see to the Treasure there, defended the City with a tumultuous sort of men; and this City, that to *Bithynia* he might joyn the *Hellepont*, *Procopius* had resolved to attack.

24. The accomplishment of this Design was deferred, by reason that the Defendants had Chained up the Haven, and thereby barred all beaked Ships of access, and besides highly plied their business from the Walls. After that the Industry of all the Captains in Council, and of the Souldiers in fight, was rendered useless, one *Aliso* a Tribune, a cunning Warrior, found means to cut the Chain, which done, the place was easily taken, and *Procopius* coming thither, pardoned all he found therein,

A.D.  
365.Mira de Aris.  
thos tradit  
Basilian M. in  
Epist. c. 186. I  
qui illar vi-  
dum de morte  
vite conspiciat.  
vita Palas in  
locum.



Sect. 2.

Procopius  
grows Tyrannical.Gratian and  
Dagalaiphus  
Consult.Valens draws  
off Aristo  
whom Pro-  
copius had dis-  
obliged, and  
thereby doth  
his business.For by the  
persuasion of  
Aristo the  
Army revolts  
from Proca-  
pius.Who is deliv-  
er'd up and  
put to death,  
req'd the with-  
Deliver-

therein, except *Serenianus*, whom he sent Prisoner to *Nice*, with order that he should be carefully look'd to. Now did he bestow on *Hormisdas*, the Son of that *Hormisdas* of the Royal Blood, who came out of *Persia* to *Constantine*, the Dignity of *Proconsul*, with Power both in Civil matters, and those relating to War; as in old time was the Custom. He had demeaned himself with great Moderation and Humanity hitherto, and being fought for by a Party which *Valens* had sent through By-ways into *Phrygia* to entrap him, he escaped through his singular diligence, and rescued his Wife that followed him, when near being taken; a Lady rich and noble, by whose Modesty and Resolution he afterward escaped imminent dangers. But *Procopius* now puffed up with his success, and not considering the Vicissitude of Human Affairs, commanded the House of *Arbeto* to be rifled, (which as belonging to his Friend he had formerly spared) out of indignation, that being several times sent for he had deferred his coming, pretending the Inconveniences of Sickness and Old Age. He could not but apprehend, that from this act great Inconveniences would arise, yet imagining that at his pleasure he could pass into the Eastern Provinces, he neglected his Affairs, and grew remiss. Only he attempted to draw the Cities of *Asia* to his Party, and gave greatest heed to such as could best advise him how to scrape up Money, for the better sustaining of that great Shock which must necessarily come upon him. These things thus fell out toward the middle of Winter, in the same year that the two Emperours bore the first time the Title of *Consuls*.

25. The following year, which was known by the Consulship of *Gratian* the Son of *Valentinian* and of *Dagalaiphus*, when Spring was well advanced, *Valens* having joyed *Lapicinus*, with a strong Army marched to *Pessinus*, a Town formerly belonging to *Phrygia*, but now to *Galatia*, which having reinforced fo as to withstand the Impression of any sudden Accident, by the foot of the high Mountain *Olympus* he proceeded into *Lycia*, with purpose to fall upon *Goamarinus*, who was supine and careless in the Management of his business. But it much incommoded his Affairs, that the little Daughter of *Constantine* with *Faustina* her Mother, was by *Procopius* his order carried up and down, and shewed to the Souldiers, whom he enraged by the sight, and provoked to fight for that tender Branch of that Imperial Stock, to which he himself was related; As the *Macedonians* (it's said) being to fight with the *Illyrians*, placed their Infant King in his Cradle, even in the Field before their faces. Therefore to obviate this mischief he studied all manner of ways, and drew off from *Procopius* his lately disobliged Friend *Arbeto*, that by the interest and favour of one of *Constantine*'s his Captains, the Minds of the Souldiers might be mollified. Neither did he fail of Success; for *Arbeto* being revered for his high place and venerable Age, quite turned their Hearts. He told them *Procopius* was no better than an High-way man; called them his Sons, and Partakers in his former Labours, though now misled by the Tricks of this desperate and obscure Fellow, whom he advised them to quit, as one who must at length necessarily be ruined and forsaken by all men. And this had such Influence upon *Goamarinus*, that though he might easily have escaped, he went over to the Emperor, who quickened by this success halted into *Phrygia*, and there near to *Nacolia* presented Battle to the Rebels. Now did *Asilo*, moved by the danger wherein he stood, revolt also from *Procopius*, and most of his Men (for he was General) followed his example, carrying their Targets under their Arms, or upon their Heads, and their Banners or Standards not erect, but in a negligent posture, which was the manifest sign of Defection. *Procopius* amazed at so unexpected an accident, quitted his Horse, and betook himself into the adjoining Woods, and was followed by *Florentinus* and *Barchabas* a Tribune, whom Necessity and no good will had drawn to side with him. Having wandered the greatest part of the night, when the Moon shone so bright that they feared they should be discovered, they bound *Procopius*, and presented him to the Emperor, who both commanded his Head to be struck off, and them two also to be put to death, without any right consideration in the Judgment of *Ammianus*. For, had they betrayed a lawful Prince, Justice itself would have pronounced them duly punished; but if a Rebel and Disturber of the publick Peace, for to signal a Service they rather ought to have been highly rewarded. But such was the end of *Procopius* and his Usurpation, at the Age of forty years and ten months; a man not uncommonly of Body, nor of mean stature, but who went always stooping, and look'd ever upon the Ground, by reason of his Melancholick Disposition: Not unlike that *Craspinus*, whom *Lucilius* and *Tully* reported, but once in his whole life to have laughed. Yet was he not cruel, but abtained from Blood; a thing to be wondered at in the Historians Opinion; whereas indeed it is not known what he might have pro-

A.D.  
366.A.D.  
366.Gratian  
Nth. P. &  
Dagalaiphus  
Cofis.

Sect. 2.

Marcellus his  
Kinman be-  
comes Chaldean,  
and puts on  
the Purple.It taken and  
conjured to  
death.Valens very  
severe in pun-  
ishing this  
Rebellion.Such Earth-  
quakes as ne-  
ver were  
heard of in  
any Age.

25. So went matters in *Phrygia Salutaris*, the Report whereof coming to *Marcellus* the Protector, the Kinman of *Procopius*, and Governour of *Nice*, he there in the dead time of the night caused *Serenianus*, who was kept close prisoner in the Palace, to be slain: Which happened luckily for several persons; for being a morose cruel man, and much favoured by *Valens*, both as his Countryman, and for the suitability of his Disposition, had he overruled the Defeat of *Procopius* his Party, in all probability he would have procured the Destruction of many, as well innocent as other persons. This done, *Marcellus* seized speedily on *Chalcedon*, and with the Countenance of a few, whom Poverty and Desperation had driven, and now kept, in Rebellion, put on the Purple, being deceived in two particulars whereon he relied: He had heard, that a Power of *Goths* was coming to the aid of *Procopius*, and thence he believed he might easily draw over to his own Assistance. And he was utterly a stranger to what passed in *Illyricum*, where *Equitius* perceiving that the whole shock of the War would be turned upon *Asia*, for that he heard nothing of what had happened near *Nacolia*, resolved if he could, to become Master of *Philippopolis*, as very commodious for Assistance of *Valens*; but a little after, when this presumptuous act of *Marcellus* was heard of, a Party of stout Souldiers was sent, who surprized and committed him like a Slave to Chains and Prison, whence he was brought out the next day and tortured to death, together with his Complices, having only one good thing performed, if we believe *Ammianus*, that he made away *Serenianus*, than whom (in his Opinion) *Phalaris* himself was not more cruel. However, there followed a severe Inquisition after Offenders, and a most horrible Slaughter, as well of innocent as guilty persons; *Valens* his Ears being open to all Complaints and Informations, though never so unjust or ill grounded, and made by those who having had some relation to the Court, were merely induced to this practice by a vehement Thirst after the Wealth of their Neighbours. Many were banished to Islands, and many were turned on begging, no Moderation being had, till the Emperor had glutted himself with Blood, and both his Coffers and those of his Followers were filled by Confiscations and Rapines.

26. So were the Remains of this Civil Tempest dissipated in the Eastern parts of the Empire; and all those Concusions ceased, which were accompanied if not dignified by strange preternatural Motions of both Land and Sea. For while *Procopius* his Rebellion was yet but little advanced, on the one and twentieth of *July*, in the Consulship of the two Emperours, there happened such horrible Earthquakes throughout the World, as neither true Historians have related, nor ever Fables themselves represented to us. A little after the day dawned, there was a great Tempest of Thunder and Lightning, which was followed by so dreadful a Trembling of the Earth, that the Sea also, shaken therewith, deserted the Shore and its ancient bounds for a great space, and the depths of its Chariel were discovered; multitudes of Fish were seen to stick in the Mud, and the unequalness of its bottom appeared, here Hills and there Valleys, which never had before seen the Sun, since at the original of all things they were first overwhelmed with the Floods. Many Ships were left on the dry ground, and swarms of people flew thither to catch Fish; when suddenly the Sea, as disclaiming its self therein, but transported beyond its bounds, by the violence of its Rage and Motion; it overturned Houses and other Buildings innumerable, drowned many thousands of the Gulls blown upon the tops of Houses, as it happened at *Alexandria*; and some near two miles from the Shore, as *Ammianus* (who relates these things) saw one himself near *Methone* a Town of *Laconia*. This Prodigy we cannot take to have signified any thing relating to *Procopius* his Rebellion, so much as that dreadful Inundation made into the *Roman* Empire by the Northern Nations; which shortly after happened, and the Ruine of the Western Provinces, which followed thereupon.

27. In such estate we must leave matters in the Eastern Parts, while we inquire how *Valentinian* managed his Affairs in the West. He had forbidden the use of Horses in the Provinces about *Rome*, as was lately said, for prevention of Robberies so much practised in these Countreys; but the Prohibition being so general, that Publick Business was thereby much obstructed, as he had dispensed before with Senators, the Honorati, Governours of Provinces, and the Veteran Souldiers as to this matter, as also with those called *Swart*; so now with the *Latine* Officers, through the Province of *Picenum*, by an Edict directed to one of *Valentine* the *Consularis* of this Province, which is to be understood of that called *Picenum Annonarium*, and not of the *Suburricarian Picenum*, which at this time had

A.D.  
366.Tommasius  
Libertus  
manuscript  
this in hunc  
causam  
prodi-  
git.Ammian. ad  
calum. 1. 26.  
Secund. 4. c. 3.  
titium. in 6. c.L. 2. 3. 4.  
Quibus  
titium  
non  
est  
offici-  
um  
C. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30.

Sect. 3.

He brings up  
the Defendants  
or the People.

had not its peculiar Governours; all the *Suburbicarian* Provinces having now one *Consularis* let over them. At this time great Complaints there were in *Africa*, concerning the Inequality of Taxes laid upon Lands. It was the Custom that the Emperours sent into the Provinces certain Officers called *Inspector*, to view and consider what barren grounds there were, what were fit to be exempted from Payment; and accordingly the Owners of them were wont to be relieved. But hereupon an Inconveniency was discovered to arise to the Publick Revenue, for several rich men that possessed other fertile grounds, were observed to take the advantage and get off; which *Valentinian* judging not at all requisite from any Rules of Charity, forbade it should be practised for the future, commanding that such as possessed both good and bad, should pay for them all together, the fertile making Compensation for the barren. And whereas there were further heavy Complaints in this Province of *Africa*, that the Subject was burthened by an unequal charge of Carriages, for the conveyance of the Provisions belonging to the Army, (in which sort those of *Britain*, were in former time much harried, as appears by *Tacitus*, and other Provincials in other places much aggrieved) which Disorder proceeded from the Knavery of the *Tabularii*, or the Officers that managed the Conveyance; this Emperour by another Edict Commands, that by Tortures they be deterred from all such Practices for the time to come, and that the burthen of Conveyance be imposed on such as lay nearest to the *Massians*, or limits where the Army lay, and not on those at great distances. The occasion of this Law seems to have proceeded from what *Ammianus* Writes of the *Ausoriani*, and other *Moorish* Nations, their more than ordinary infesting the Limit of *Africa* in these days.

28. These were Instances of *Valentinian* his care for the Ease of the Provinces, as to these particular Cases; but he provided for their Emolument in a more general way. For about this time it was, that those Officers were created by him, whom they called *Defensores Civitatum*, now being made the first mention of them in the Laws. They were Persons Chosen by the general Consent of Cities, and Townsmen's of approved wisdom and fidelity, out of the *Municipes*, *Plebians*, or those they called *Honorati*, and their work was to defend the Places, as their Name imported; in which respect, they were further termed, *Locorum Defensores*, *Defensores Discipline*, *Parentes Plebis*, and *Defensores Plebis*, resembling in some measure the old *Tribuni Plebis* of the City of *Rome*. "The poor they preserved and rescued from the Violence of the rich Merchants, from the Insolence of the Covernours of Provinces, as also from Inferiour Officers belonging to the Ports and Customes; all other Persons that were to Pay Taxes, from the capacity of Collectors; and in Conclusion, from the Insolence of Thieves, Murderers, Adulterers, and other Criminals." To this end, the People had recourse to them, and they had power to make full Inquisition into such Offences. Yet could they neither punish by Fine, or Imprisonments, but sent away the Offenders with their Examinations, and their Cases stated, to the Ordinary Judges, or to the Prince himself. To their care also it appertained that the *Curie* of Corporations, or other Bodies in Companies, should be constantly supplied; that none should make use of the *Cuspe Publicus*, without Licence duly obtained. Inventories of the Estates of Pupils, or those under Age, were made before them, and Actions might be entered, for they had power of searching Records, if the Governour of the Province was absent. But by an Edict now directed to one *Seneca*, by this Title of *Defensor*, he is forbidden to intermeddle in any Causes, exceeding the sum of fifty *Solidi*. They continued in their Office for the space of five years, and *Majorianus* Ordained, that for their Confirmation therein, the Emperours Consent should be necessary.

29. But this is chiefly remarkable, as to those Officers, thus newly made, that *Valentinian* gives it in special Charge to this *Seneca*, lately mentioned, that he should take notice of, and carefully obey that Law, whereby was Commanded, that those that bore any publick Office, should buy nothing in the place subject to their Jurisdiction, during the time of their Power. For such indeed was the Law of the Empire, that they should not only not buy, but neither receive or accept by way of gift, any thing during their Administrations; lest they should make use of their Power, to wrong or oppress any of those that were subject to their Authority. And by reason of frequent miscarriages in this kind, doubtless this severity was first introduced, which sometime extended so far, that it reached to places even beyond the Jurisdiction of those Employed, whither the awe of their Power might reach, though the proper effects thereof could not; but this as extravagant was afterward Contracted, and the Prohibition as to

Place,

A.D.  
366.L. l. c. 11. de  
Anno Domini  
Tit. Cod. Th.  
lib. 11. Tit. 10.L. l. c. 11. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.  
L. l. c. 11. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.V. in illis legi  
apud Tit. l. c.  
paritatem  
prædicti  
Constitutionis  
de necesse  
Officio. Dat. v.  
Kai. Jul.  
Kai. Jul.  
Tit. l. c. 11. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.

Sect. 3.

Constitutiones  
ab  
his  
Commissas  
per  
Gubernatorem  
Provinciarum.And variously  
provides for  
the Conveni-  
ence of Rome.

Place, was confined within the District of the Magistrate; who within those his own Bounds, could not make any Bargains or Purchase; though he was Native of a place remote, and whether he did it publicly, or privately. He might only purchase what had belonged to his Father, left his Family should be wronged; but in any other Circumstances if he was found trucking, all his Contracts were absolutely Null, and the thing so bought or given, returned to the Seller, or Giver, from him that possessed it, whoever he was, if within five years, after the Magistrate returned to a private life, he challenged it: Otherwise it was Confiscate, and in both Cases the Purchaser lost his money, or the Price, in whatsoever it consisted. "This by another Constitution of this same Year, *Valentinian* in forces, and will have none of what Dignity soever excepted, whether they were *Illustrious*, of the Rank of *Speiabilis*, or *Clarissimi*: and he enumerates thirteen several sorts of Inferiour Officers, assistant or subservient to the Magistrates. By an other Constitution of this same year, he forbids all the Magistrates or Judges, to receive any Petitions or Letters concerning any Business, when they are retired at Home, but only in Court, and that they Commit none to Prison, till the Acuser of the Party had Entered into the Record, or Book, kept for this purpose, his Accusation relating to the nature and manner of the Crime Committed.

30. By various other Laws he still provided for the conveniences of the City of *Rome*, both in relation to its Buildings, and supplying off with Provisions, which he would have imported in kind, and no money taken in lieu of them, as had been practised by the Officers, who had the care of them, to fee them brought in and laid up. That there might be nothing omitted, which would conduce to plenty; for the regulating of Bakers, and seeing their Concerns, he provided in several Edicts; and not only took order in their matters, but went as far as to Ordain what was requisite for the carriage of Corn, or other Necessaries, from one place to another, wherein yet he still served another Publick End. There were a fort of men called *Catabolenses*, we may term them *Loaders* or *Carriers*, whose employment it was to load the Corn Landed at the Haven, upon Carriage-Beasts, and so to convey it to the Publick Granaries, or thence to the Bake-Houses, as there was occasion. "For supply of their Number, he Ordains, that *Libertini* (or such as had been slaves, but had obtained their Freedom) should be forced to this Employment, in case they were worth thirty pounds of silver, or had received Estates from their Masters, either by their Testments, or by way of gift in their life time; provided it was nothing belonging to the Body or Company of the Bakers; for then they should be forced to the Services, and burthens of that sort of men, who being also no better than Publick Servants, this very year, he utterly forbade any one of them ever to be freed from that Service, or permitted to pass from one Bake-House to another. But it must be known, that in this Age whereof we Write, it is found that Princes bore some spleen to the *Libertini*, or those that had been Slaves, as we may have further occasion to discover, chiefly because they abounded with Wealth, through the bounty of their Masters, who were inclined to an extraordinary kindness, nay, profuseness to them. To put some stop to this humour, *Valentinian* subjected them to this almost another kind of Slavery; although if they had received any Lands from their Lords, that were *Senators*, they should notwithstanding, be Subject to the usual Payments relating to *Senatorial* Lands. This Edict bears date on the seventh of July, and is said to have been read in *November* following, in the *Pantheon* at *Rome*. The *Pantheon* was that Famous Temple built by *Agrippa*, which being burnt, was soon after repaired, and dedicated to all the Gods; but afterwards, by permission of *Phocas*, and procurement of *Boniface* the Fourth, Bishop of *Rome*, was turned into the Church of our Lady, and all Saints. This Law seems to have been published in it; not only because of the consequence of *Pagani* to it in those days, of which pervasion most of those Publick Bakers, and *Catabolenses* might be, but for that it was near to their Work-Houses, and Stables, being in the Ninth Region of the City.

31. Having discovered great Frauds to be often committed by those that managed the Publick Revenue; and chiefly how they were wont to let out the money to Interest; or make other Bargains, to their own advantage, and his loss; and chiefly in the Diocess of *Africa*; by an Edict, directed to *Dracontius* the *Vicar* thereof, (which was received at *Adrumetum*, the usual place where the *Vicar* resided, on the seventeenth of *November*) he Condemns those that make such Contracts with these Officers, in a fine amounting to the four fold value of the sum. But as the Revenue was diminished by such Frauds, so was both it and the Estates of private Persons very much abated, by reason of the scarcity

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A.D.  
366.L. c. 11. de  
admiralibus  
Gothici L.L. c. 11. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.  
L. c. 11. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.L. 1. Tit. 11. in  
ipso spectato.Vide L. l. c. 9.  
10. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.  
L. l. c. 11. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.Dat. Non. Jul.  
Lectis in  
Pantheon.L. l. c. 11. de  
Defensoribus  
Cod. Th.  
lib. 11. Tit. 10.

Sect.2.

city of Coyn, and especially of the Golden, which caused him some years after to raise the value of it something higher than it had been in the Reign of *Constantine*. At present he considered how he might increase the Metal, which if it could be done, there would be no need that the other course should be taken; and this was by giving encouragement to such as had an inclination to fetch it out of the Bowels of the Earth. It was the Custom generally allowed, as at this day, That Mines of Silver and Gold appertained to the Sovereign Authority; and as to the Commonwealth or Empire of *Rome*, the Mines belonging to it were wont to be digged and wrought by such as were condemned to that Drudgery, who being maintained no otherwise than as Slaves at the publick charge, all the Profits accrued to the Treasury: Particularly at *Carthage*, in Mines of Silver were employed in old time no fewer than four thousand men, the effect of whose Labours was a daily Product of twenty five thousand Drachms. But such was the Condition of this Age in reference to Coin, that *Valentinian* it seems found himself obliged to an extraordinary course of permitting private persons to search for Oar, under certain Limitations and Conditions. Being now come to *Paris*, whither (as we said) he travelled out of *Italy*, by an Edict directed to *Cresconius* the *Comes Metallorum*, he took order herein, commanding him to require by way of Tribute or Imposition Eight Scruples from every such Undertaker, but this in Oar \* or Powder of Gold, not in what was throughly melted and refined, whereof twelve Ounces || were to be esteemed of equal value to fourteen of the other. The rest they should take to themselves, yet so as the Treasury must have the Right of Preemption at a competent and indifferent rate. The *Comes Metallorum*, to whom this Law is directed, was a peculiar Officer under *Valentinian*. Of this *Comes* we have spoken heretofore from the *Notitia* of the Empire, which mentions such an Officer in *Ilyricum*, under the disposition of the *Comes Sacrarum Largitionum*; but in the West no such *Comes* is mentioned, for the *Comes Auri* his Office was of another nature, relating to the Payment of Gold in what fort soever made.

A.D.  
366.He permits  
private per-  
sons to search  
for Oar upon  
terms.L.2. de Metal-  
lis & Metallu-  
riis. c.62. h. l.  
10. tit. 19. Dat.  
4. Id. Decem-  
beris.  
\* Balista dici-  
tur. J. de Gold.  
c. 1. §. 4. add. tit.

Ammian. l. 27.

Justin de-  
scribes the Al-  
lems near  
Alyrie.

32. *Valentinian* being come to *Paris* about the beginning of *November*, and the later end of his Consulship which he bore with his Brother, continued there the last two Months of the Year, and some part also of the following, till he was called further Northward by the Motions of the Barbarians upon the Borders. For while *Procopius* was driving on his Design in the Eastern Parts, the *Allems* having recruited themselves, and resumed their former Courage, which had been so greatly abated, *Ammianus* tells you, by the Courage and Conduct of *Fulian*, renewed their Incursions into *Gall*, and cut off two *Comites*, *Carietto* and *Severianus*, who opposed their Motions. This Defeat being understood, *Dagalaiphus* was sent from *Paris* to redeem the Credit of the *Roman Arms*; but he delayed his March, pretending that he alone was not of sufficient ability to grapple with so powerful an Enemy; and he being afterwards sent for back to receive the Consular Ornaments, with *Gratian*, *Fovinus* the *Magister Equitum* was fitly furnished and dispatched away in his room; who marching with great wariness and circumspection, near a place called *Scarpenna*, twelve miles from *Metz*, came suddenly upon a great number of Barbarians, and cut them off before such time as they could arm themselves. Having destroyed this, he went to seek another Party, which with the same success, and having also surprised at the side of a River, while they were drinking, combing, and washing themselves, he treated them in the same manner. There remained a third Body, which animated by his good fortune, he hoped to attack with the same success, but found them not in the same posture, but prepared fully for an Engagement in the *Catalunian Plains*. Here he was obliged to entrench himself, and in the morning drew out his Men in a larger compass than usual, that he might not encourage the Enemy by a view of the smallness of his Numbers in comparison of theirs; and though his Men were inferior in Numbers, yet in Resolution they far exceeded, all but *Balthobaudes*, a Tribune of the *Amatuna*, a great Braggadocio, but (as usually such are) of small performance; who (the Fight continuing till the evening) ran away, and endangered the Defeat of the whole Army. Yet by the Generals care and endeavour the Souldiers were not so discouraged, but that pressing still upon the *Germans*, at last they had the better, and killed six thousand, with the loss but of two hundred men, and as many wounded. The Night having put an end to the Dispute, early in the morning *Fovinus* shewed himself in the Field; but the Barbarians, of whom four thousand were wounded, would have no further to do with him, but shifted away. At his return from the Pursuit he found that their King, who had been taken Prisoner with a few others, was hanged by a Party of the *Hastarii* or *Asarii*, whom he had sent to plunder the Camp. Being enraged at so base an act, so impudently committed without order from their Superiours, he resolved to an-

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animadvert upon the Tribune, and had condemned him, but that the Fact was evidently found to have been done by the violence and rage of the Souldiers. Then marched he back to *Paris*, on his way whither the Emperor met him to do him Honour, and afterward designed him *Craff*; the Joy being increased by a fight of *Procopius* his Head, which *Valens* sent much about the same time to his Brother. This is the Account we have of the War against the *Allems*, and the Battle fought by *Fovinus* against them, from *Ammianus*. *Zosimus* (according to his custom) tells us another sort of Story: That the Emperor himself met the Enemy, and giving them Battle, the *Romans* were beaten and put to flight. That the Legion of the *Batavians* being found guilty of so much Cowardice, he condemned to be difarmed and sold for Slaves; but all the Army prostrate before him besought him, that he would not put so great a Disgrace upon them, and promised him for the time to come they should behave themselves like Men, and as became *Romans*: To which he yielded, requiring them only to make good their words by some evident act. Hereupon the *Batavi* resumed their Arms, and engaging a second time against the *Germans*, the Barbarians paid for their former success at a very dear rate, an infinite Multitude being slain, and very few returning home with the News. Thus he, without any mention of *Fovinus*.

A.D.  
366.Ammian. l. 27.  
de exort. &  
Batavorum. c.  
lib. 4.

33. But to return to our more certain Guide: *Ammianus* tells us further, That after this Battle several other Skirmishes happened in *Gall*, which he thinks it not worth the while to relate. And though what he adds next after this, he judges not to be of that nature, yet we can hardly put more value upon it. About this time a kind of Prodigy there was seen in that part of *Tuscia* called *Pistoria*, (for those Reasons formerly alledged) where in a Town called *Pistoria*, about nine of the Clock, in the view of many Spectators, an AS mounted the Tribunal or Judgment-seat, and there brayed very loud and long, to the Astonishment both of those who heard it, and heard of it. Great wonderment there was what it should signify; and at length the Riddle was unfolded, when one *Tarentine*, a mean Man born in *Rome*, and a Baker, (*Pistor* in Latine) as a Reward for having accused *Orphitus* (who had been *Præfett*) of Oppression, was preferred to be *Corrætor* of that Province; but bearing himself as ignorant persons are wont, very arrogantly, and being found guilty in some matters belonging to the Company of the *Novenarii*, he ended his Life (as was reported) by the hands of the Hangman, at such time as *Claudius* was *Præfett* of *Rome*. But this happened some years after, for during the late Motions that City was governed by *Symmachus*, who had succeeded *Apronianus* in that Command, a Person Eminent for Learning and Modesty, by whose procurement it abounded with all Conveniences more than ever it had wont: Which Testimony of the Historian is largely confirmed by the many Laws concerning this subject. He also built them a most beautiful Bridge, with which the Multitude was very much pleased for the present, but shortly after made him too sensible of its fickleness and ingratitude; for upon a meer Rumour raised by an obscure Fellow, without any witness or ground, that he should say, He had rather eat his Wine upon the Lime-kilns, than sell it at the rate which they hoped for; they burnt a beautiful House that he had beyond *Tiber*. After him to *Lampadius*, who had been *Præfettus Prætorio*, was committed the Government of the City; a man of other humour, that he would take it humbly if he was not commended for his graceful Spitting; as if he did that also with greater wisdom than his Neighbours; but otherwise he was severe and well enough managed his matters. When he was *Prætor*, and made his Magnificent Shewes according to the custom, though he was free above the ordinary rate; yet not able to bear up against the Peevishness of the Rabble, which still importuned him with its noise to bestow more upon unworthy persons, to manifest that he was Liberal, and yet a Despisier of the Multitude, he sent for some poor men out of the *Faticæ*, and with great Gifts enriched them. But yet to the new his vain humour, one thing our Author saith will suffice, which though of small reckoning in itself, yet may be a Warning unto Governors: In all parts of the City, which had been adorned at the Expences of sundry Emperours, he caused to be engraven his own Name, not as a Repairer but a Founder: With which Dislike (though he might better do it) *Trajan* the Emperor also laboured. *Lampadius* too was much molested by the tumultuous Citizens, especially at one time when the Rabble had certainly fired his House adjoining to the Bath of *Constantine*, had they not been beaten off by Stones and other things, call from the tops of Houses by his Servants and Friends; and he himself was forced to run as far as the Bridge *Mithras*, before he could secure his Person. The cause of this Disorder was, for that in raising his new Buildings, and repairing the old, he made not provision for the Expence in the ordinary way

Several Pre-  
fets of Rome,  
and their A-  
ctions.

Sect.2.

out of the Tributes or Revenues; but as there was need of Iron, Lead, Brass, or any such Materials, he sent out his Apparitors, who took them away from the Owners without any price or recompence. His Successor was *Juventinus*, from *Quaestor* of the Palace, a *Pannonian* by birth, a Person of Prudence and Integrity, who made it his business to render his Government peaceable, as well as acceptable for plenty of all things. But he was also plagued by the Seditious Humour of the People, and that by reason of a Contention of two persons for the Bishoprick, which we shall abundantly hear of in its more proper place.

A.D.  
366.

Valens invades  
the Territories  
of the  
Gauls to no  
purpose.

34. While matters proceeded thus disorderly in *Gall* and *Italy*, *Thrace* enjoyed as little quiet. *Valens* thought he had just cause to make War against the *Goths*, for having assisted *Procopius* in his Usurpation, and he had the consent of his Brother therein, according to whose pleasure and direction he ordered his Affairs. But first was sent to them *Vitor* the *Magister Equitum*, to know the reason why they, being a Nation at peace and in League with the *Romans*, would join with a Rebel, who had raised War against his Lawful Sovereign. In answer to his Demands they produced the Letters of *Procopius*, wherein he affirmed that the Empire belonged to him as the Kinsman of *Constantius*; and thence they argued, that it was but an Error they had committed, and such as was very capable of Excuse. But *Valens* judged it quite contrary, and declaring their Answer to be frivolous, when Spring was well advanced marched against them, and having rendezvoused his Forces near a Fort called *Daphne*, passed them over the River *Ister* by Bridges, as *Darius* formerly had done, beyond which (as that *Persian* King of old time) he could find no Enemy to engage, for out of fear they all fled to the Mountains of the *Serri*, which could not be passed but by such as were skilful in the ways. That he might not yet return without having something performed, nor be fain to have mis-spent a whole Summer, he sent *Arintheus*, the *Magister Equitum*, to surprize certain Families wandering in the Plain, which had not reached their Companions, and so he returned, having neither done nor received any great harm. The year following he made Preparations for another Invasion with the same alacrity, but was stopped in his Career by the immoderate overflowing of the *Danow*, and constrained to stay near a Village called *Carporis* till Autumn was already past, whence he retreated, and took up his Winter Quarters at *Marcianopolis*, as he had done the year before, being not able to enterprise any thing by reason of the greatness of the Inundation.

35. That both these years he resided some time at *Marcianopolis*, a City of *Mysia inferior*, and belonging to the Diocese of *Thrace*, is evident by the Subscriptions of several Laws, and of those some relating to Martial matters. Amongst other Burthens imposed on the Subjects of the Empire, as we have already hinted, was that of finding Horses for the Wars or other publick service; sometimes on one sort of People, otherwhiles on another, but especially on such who as Villains were bound and appropriate to certain Lands. Ordinarily they had been wont to discharge this Duty in kind, and furnish Horses as there was occasion; but now did *Valens* think fit to require Money in the room of them, either for that he found much fraud to be practised the other way, they often proving lame and unfound when to be used, (to prevent which Abuse yet there were several Officers wont to be employed,) or rather because under this pretence of Publick Service the Husbandmen were overburdened and disburthened, to the great hinderance and decay of Tillage. Therefore that he might be sufficiently provided for this present War to the best ease of the People; he now by an Edict required, that three and twenty *Solidi* should be paid for every Horse; which Rate (however to him it seemed reasonable) was by following Princes thought Excessive, and brought down; who had in this subject great occasion to exercise their Indulgence, the poor Provincials being often much harassed by this Payment. But, as *Valens* thought fit there should be made an Exchange of Horses for Money, so by another Edict made the following year in this very place, and in relation to this very War, we find that there was the same course taken sometimes for Men or Souldiers. For hereby he declares his own Estate or Possessions to be free from finding of *Troopes* or new Souldiers, if Men themselves were to be provided; but otherwise chargeable, if Gold or Money in the room of them. For the Custom here, in varied, not only according to the variety of Times, but of Places also, some Countreies and Provinces exceeding others in the strength and agility of their Inhabitants; the reason why the *Thracians* were especially made choice of for the Wars, and other Nations low of stature, and of slender Limbs, usually rejected, and Money taken in their place. But further, while *Valens* lay in Quarters at *Marcianople*, to provide for his Souldiers against the Winter in that cold Climate, by another Edict directed to *Anaximus* the *Præfect*, he caused a sufficient Supply of Clothes to be brought

He orders  
Money to be  
paid in the  
room of fur-  
nishing Hor-  
ses for the  
War.

Colonis obnox-  
iis & adscriptis  
terris.

Stratarii.

L. 1. de Equi-  
rum collatione,  
Cod. Th. lib. 1.  
tit. 15.

L. 2. de Tro-  
pibus, Cod. Th.  
lib. 7. tit. 13.

L. 2. de Mil-  
itari vestitu, Cod.  
Th. lib. 6.

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in betwixt the beginning of *September*, (whence at this time Indictions commenced) and that of *April*, being indeed as other Writers observe) exactly careful to supply his Armies with all Necessaries.

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36. Three years he spent in this War against the *Goths*, and in the third Summer invaded their Countrey, by a Bridge of Boats laid over the River at *Novidanum*. He fell upon the *Gruthungi*, a most Warlike Nation, the chief Magistrate of whom, *Athanarich* by Name, a very powerful man in that Tract, opposed him with such Force as he could make; but the Emperour forced him to seek for safety by flight; and having nothing of greater moment performed, retreated to his wonted station of *Marcianople*, the most convenient place to winter in, in all these parts. The season for Arms being over, the time proper to Consultation succeeded, and some Accidents there were which gave both sides occasion to think of Peace. By reason of the Prince his Absence the East was exposed to great danger; and the Barbarians were much distressed by the discontinuance of Commerce for so long a time, which constrained them to send Embassadors, and beg a Cessation in a submissive manner. The Emperour as yet bearing an affection to Justice, and the Conveniences of his People, sent away *Vitor* and *Arintheus*, who agreed on the Place and Preliminaries of a Treaty. *Athanarich* affirmed, That his Father had made him swear never to tread on *Roman* Ground, and it was no whit becoming the Majesty of the Emperour to go to him, and therefore they met in Boats in the middle of the River, where a Peace was ratified, and Hostages delivered on both sides. This done *Valens* returned to *Constantinople*, where *Athanarich* afterwards also died, being banished his Countrey by the opposite and most prevalent Faction, and was very sumptuously buried after the *Roman* manner.

A Peace made  
betwixt him  
and the *Gru-  
thungi*.

39. While *Valens* was thus imbroiled with Wars in *Thrace*, *Valentinian* and the *Allemans* seem to have better understood one another, though this their Friendship not long continued. The year following after the Defeat given them by *Fovinus*, we find a Constitution directed to the same person, by name, as *Magister Militum*, whom therein he charges to take order with the *Duces* and *Comites*, and such as to whom the Custody of the *Rhine* was committed, that they should not permit the Souldiers upon the Borders to furnish those of the Blood Royal of those Nations, nor their Embassadors, with Horses. But he enjoyns that they make use of their own, till they came to the place where the *Cursus publicus* begins, of which they are allowed to make use as well as the Messengers of the Provinces; and till they there arrived sufficient Provision should be made for their Cattel at the several Mansions. This Law bearing date from *Rheims* a City of *Belgica secunda*, where *Valentinian* then lay; to whom those Nations having such recourse, it argues, that for the present there was Peace betwixt them. But as the Law doth intimate this, so on the other side, that it stood on such terms as obliged him to be watchful, and not to trust to his new Allies. For this Prohibition concerning the Horses of Souldiers was founded upon this Reason; Left by lending or letting them out they should be themselves disarmed, and thereby the Limits exposed unto danger. For by reason of the *Allemans* and *Franks*, their constantly feared Incursions, there were, as is evident both from this Law and Histories, both *Duces* and *Comites* placed on the Borders of *Gall*, who lived after the manner we have formerly described; and besides them such as to whom the Custody of the *Rhine* was committed, viz. particular *Præfects* or Governors of the several *Prætentura* or Garrisons upon or near the River.

L. 9. de vi mili-  
tari, Cod. Th.  
lib. 1. tit. 1.  
Regalis.

In the mean  
time the *Al-  
lems* keep  
quiet.

Barbar to be  
trusted.

But how little trust the Emperour gave to the Friendship of these Nations, further appears by another Edict within less than one Month, directed to the same person, and dated at the same City of *Rheims*; when in those days the *Magistri Militum* of *Gall* held their usual Residence. Therein he declares his Resolution to have his Troops completely filled, and for this purpose takes notice of and reforms another great Abuse practised at this time: It was the ordinary Custom for the Souldiers to take a long with them Youths of free and ingenious condition, and with design to keep them free as to obligation to Service, to entertain them as Kinsmen, Peccades, or Attendants; and thus were such concealed, as intended to avoid the publick Service, or lifting themselves in the Armies: To remove which Inconvenience he commands, that the Souldiers produce all such Retainers to their Officers, who are enjoyned to present them before *Fovinus* the *Magister Militum*, under pain of being put down from their present stations to more inferior places in the Army. And to such as detect any such Concealers he decrees Advancement. For, as there were several Degrees of Service in the Army, one more creditable than other, the Souldiers were often either preferred higher, or disgraced according to their Deserts. As sometimes an Officer from the Degree of *Tribune* put down to that of

L. 10. ad. tit.

Regulatione,  
militie mate-  
ria, gradus de-  
positio.

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of *Primitivus, Biarchus, Circitor*, or the like. Sometimes reduced to a *Tiro*, or the meanest state and condition. Otherwhile from an Horseman condemned to serve on foot, or reduced from an higher to a lower Degree of the Infantry.

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Valentinian  
determines of  
what stature a  
Soldier  
should be.

Condemns the  
Marty to be  
burnt alive.

Forbids Ma-  
gistrates to use  
his Ink or  
Chariot.

Makes a Law  
to punish In-  
grateful Sons.

38. Having taken this and other courses for supply of men, it was not his intention that all should be indifferently admitted to the Employment; but by another Law he shortly after declared, That the Stature of *Tirones* should be five Feet and *se-*  
*ven ordinary or usual Inches*, to be observed at all Liftings under the *Vicar of Rome*,  
to whom (*Magnus* by name) this Constitution is directed. Formerly the Stature of  
Soldiers had been exacted to be six Feet, but this most rarely, and usually it stood  
betwixt five and six, sometimes seven, and otherwhiles more, Inches being required.  
There still wanted for the supply of Soldiers, a Law against such as by their own  
procurement were rendered incapable of Military Service: Some cut off their Fin-  
gers to prevent it, and such being in those times termed *Murci*, *Constantine* the Great  
had thought fit to condemn to the Service of Corporations; which Edict of his *Val-*  
*entinian* judged convenient to mention and to establish; and further ordaining,  
that all who should in that manner be obnoxious for the time to come, should  
be burnt alive; and if he was a Slave, his Lord should, if he knew of it, be very se-  
verely punished. But it is to be noted, that these severe Laws had relation to *Italy*,  
where it was a Custom for the Inhabitants to draw their Neck out of the Yoke, and  
put other persons in their rooms, having been much of this humour ever since the  
days of *Augustus*. But while *Valentinian* still lay at *Rheims*, he not only acted for  
the reinforcement and convenience of his Army; something he did for the relief of  
the Inhabitants of those parts. To such as being applied upon publick business had  
been too heavily taxed, he granted liberty of one whole year to appeal and right  
themselves: Whereas to such as were present or at home, five months were one-  
ly allowed. It had been of a long time the manner of Princes, to prevent the coun-  
terfeiting of their Instruments, to use peculiar Characters or a select Form of Writ-  
ing, which none were to imitate, none were to write but such as served in the *Sc-*  
*rinia* of the Emperor. But of late the *Proconsuls* of *Africa* or *Asia*, in their Rela-  
tions or Consultations, had began in their Dispatches made to Court, to make bold  
with the same Characters, which others had dared to practise, drawn thereto by their  
examples; and thence came it to pass, that the Emperours Hand and Letters were  
counterfeited, and thereby the Provincials cheated of their Money, and otherwise  
abused. To obviate such mischiefs by an Edict, he expressly forbids these Characters  
to be used any where either publicly or privately, but in his own *Serinia*, or by  
the *Proconsul* or his Office; whose Authority otherwise was very great. This pecu-  
liar way of the Emperours Writing was with the *Sacrum Encaustum* or Purple Ink,  
which was ever forbidden to all sorts of persons, even the *Proconsuls* and *Prefects* *Pr-*  
*etoria*. Yet did the *Questor* and *Prefect* make use of certain Majestic Forms of Speech  
or Titles, which the Emperours took to themselves, as *Nostra Serenitas*, *Nostra Ma-*  
*jestas*; but *Justinian* afterwards removed that Custom also.

39. From *Rheims* *Valentinian* removed further toward *Britain*, where now the  
*Picts* and *Scots* committed great Outrages; and by the way of *Nemaus* (now *N-*  
*imes*, where he signed another Constitution for the ease of the Subject in reference  
to Publick Payments) came to *Ambians* or *Amiens*. Though so far distant from  
*Rome*, he caft not off his wonted care for the Concernments of that Place and Coun-  
try; but being consulted by the *Prefect* of the City, by his Rescript gave order  
for putting the old Laws into execution, against ingrateful and disobedient Chil-  
dren. Whether by virtue of the Law of the Twelve Tables or otherwise, as In-  
grateful *Liberti*, or such as had been set at Liberty by their Lords, and afterward  
demeaned themselves ingratefully towards them, were again to be reduced into Sla-  
very: So also such Sons, as had been emancipated or set at liberty, from that Pa-  
ternal Power which the *Roman* Laws gave their Fathers, (both over their Persons  
and their Estates) if they bare themselves contumaciouly towards them, if they re-  
viled or unjustly handled them, they were again to be reduced under their Authority  
and Command. But, as we judge from this Consultation of the *Prefect* of the City,  
(whose proper Office it was to determine matters belonging to Emancipated Sons and  
of Freedmen) such had been the Consequence and Fruit of the *Roman* Government,  
or else the natural Duty and Obedience of Children, that this Law had seldom been put  
in practice, else there would have been no occasion for the *Prefect* to have doubted,  
or any need for him to consult the Emperour, as he now did, being put upon it by  
some accident, of which we have not any account. *Valentinian*, as the Father of  
his Country, thought fit to shake off, and set forth to their view again, that Rod  
which had been cast into a corner, and by falling of one to terrifie the rest, though  
to

L. 3. de Tironi-  
bus, cod. Th.L. L. 45. ad.  
ill.L. 5. de Cris-  
co, Th. 13.  
Tit. 10.L. 3. ad legem  
Corneliam de  
falsis, cod. Th.  
Tit. 19.  
Vide Com.L. 3. de Penali-  
tationibus,  
cod. Th.L. unico. de re-  
gratia Liberti,  
cod. Th. l. 2. tit.  
14. de re vel.  
diti. Anbani-  
Lapicini &  
Vicinacensi.  
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to his own Son, at this time for other great and weighty Reasons, he shewed himself  
very indulgent, the sixth day after the Date of this very Law.

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40. *Amilianus* writes, that about this time he had fallen dangerously sick, and  
when both he and others expected nothing but Death, at a private meeting of such  
*Galls* as served him, one *Rosticus Julianus* had been mentioned for his Successor, one  
who had born the Office of *Magister Memorie*, but in the Opinion of the Historian a  
Person as greedy of Mass Blood as a savage Beast, which he abundantly shewed when  
he governed *Africa* with Proconsular Power. This was with greater reason oppo-  
sed by others, who with better pretence contended for *Severus*, then *Magister Pedi-*  
*tum*, a man indeed very austere, but in all respects to be preferred before him. But  
the Recovery of *Valentinian* put an end to the Hopes and Disputes of both Parties;  
for he resolved when but in the way of Recovery, to give the Title of *Augustus* to  
his Son *Gratian*, though at this time but twelve years old, a Youth very handsome,  
and well enough inclin'd of himself, had he not been afterwards perverted by those  
about him. Having prepared the Minds of the Soldiers, when he came to ascend  
the Tribunal, he found no difficult work; for though he could allege nothing  
of the moment concerning him that was to be preferred; yet with the sight of his  
own person, he inculcated the Merits of his Family, and being himself now re-  
covered, and established, he easily induced them to consent, and to proclaim *Gratian*  
Emperour in equal power. *Exuperius* of *Cefarea*, a Moor, and at this time *Magister*  
*Memorie*, first of all others acclaimed *The Family of Gratian deserves as much*, and  
being made *Questor* out of hand, continued a most just and painful Judge, ne-  
ver deviating from those Rules, which by Justice and universal Indifference were  
prescribed him. Upon this new Promotion many persons exercised their Wits, and  
chiefly in commendation of his Person. But his Father is noted by the Historian for  
having exceeded the former Rule, in nominating his Brother and Son not *Cefarea* but  
*Augusti*. For in ancient times (you hear *Amilianus*) no man took to himself a Col-  
league with equal Authority, except the Emperour *Marcus*, who made *Vernus* his  
Adoptive Brother Partner with him on equal terms.

But Gratian  
his own Son  
he makes de-  
posit.

He now disco-  
vers the cru-  
elty of his  
Nature.

The Barba-  
rous Nations  
rage here in  
Britain.

Et hic non con-  
tradictum ex-  
empla Severi  
& Diocletiani,  
qui non cultu-  
que fide pri-  
mum Augustus,  
sed iustis Ca-  
saris tantum  
adjuvant.

41. Matters having thus succeeded both according to the will of the Prince and  
Soldier, *Mamertinus* the *Prefectus Prætorio* was accused, by *Austrianus*, formerly  
*Vicar*, of Extortion, and upon that account was *Valentinian* preferred to his  
place; a man very fit for the Employment, and to be revered for his gray Hairs,  
but ever seeking occasion to indulge his covetous humour. By his procurement *Or-*  
*sinus*, who from *Prefect* of the City had been sent into Banishment, was restored to  
his own Country and Estate. And now the Humour of the Emperour, however  
cruel, yet hitherto for his own ends covered and with violence suppressed, could not  
but discover it self. *Diocles*, who had been *Comes Largitionum* in *Illyricum*, he  
commanded to be burnt alive for very slender faults by him committed; as also *Dis-*  
*dorus*, who had been *Agens in rebus*, he ordered to be put to death, together with  
three *Apparitors* of the *Vicar* of *Italy*, who was going to Court, and the *Appari-*  
*tors* of the *Vicar* (according to their Office) admonished him to appear. And of  
those persons the Christians at *Milan* solemnized the Memory, calling the place  
where they were buried *At the Innocents*. Many in Corporations he commanded to  
be slain, who were preferred by the seasonable Interposition of *Exuperius*, the *Que-*  
*stor*, and *Florentinus* the *Prefect*. If any declined the Jurisdiction of a Judge, as  
bearing him capital malice, to be sure he would (notwithstanding all Exception made)  
remit him and his Cause to the Award of the same person. And if any Debtor was found  
unable to give satisfaction to the Publick, he would pronounce that he ought to be  
put to death. Returning from *Amiens* towards *Triers*, he received News out of  
*Britain*, of great Slaughters and Wastes made by the *Barbarians* in this Island; that  
*Nectarius* Count of the Maritime Tract, or as the *Notitia* terms him of the *Saxon*  
*Shore*, was slain; and *Fullosaudes* a *Dux*, was also circumvented by the Enemy. In  
great haste and consternation he dispatched away *Severus*, at that time bearing the  
Title of *Comes Domesticorum*, to put some stop to their Progress; but him he soon af-  
ter recalled, and in his stead sent *Joannes* with all speed to reinforce the Armies in the  
Island; for so the conditions of Time and Place did require. But still worse News  
arriving, in what danger these Provinces were, he made choice of *Theodosius*, a man  
of eminent note for Military matters, who with a courageous Army both of Horse  
and Foot, cheerfully undertook what was enjoined him. Several years before this  
divers Alarms had been given, as in the tenth Consulship of *Constantine*, and in the  
third of *Julian*, who then lying at *Paris*, and distracted by various Cares, thought



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not fit to come over himself, left he should have exposed *Gall* to the cruel Rapines of the *Allemans*; but sent *Lupicinus*, then a *Magister Militum*, both a good Souldier and very skilful, but proud as far as Insolence, and concerning whom it might justly be doubted, whether he was more covetous or cruel. He brought over with him the *Heruli* and *Batavi* bearing Light Armour, together with two Troops of the *Mæssaci*, and landed at *Rutupie*, at this day *Ribecheſter* or *Richborough* by *Sandwich*.

Teodofius sent  
to repress  
them.

42. What particular Actions passed betwixt him and the Barbarians we do not know; but whatever he did to restrain them, by this time they were grown again outrageously insolent. *Ammianus* tells us, that in that place of his History where he had given Account of the Acts of *Constantius Caesar*, he had also described both the Nature of the Ocean, and the Island of *Britannia*, according to his Capacity; and therefore he would not repeat any thing thereof to our great loss and sorrow, as it happened: For that part of his History hath miscarried, as also that of *Polybius*, wherein this more ancient Writer had described this Island so far as it was known in his days. He adds, That it shall suffice only to say, that at this time the *Picts* were divided into two Nations, *Dicaldone* or *Caledonii*, and *Veſſurioner*, besides whom there were the *Atacotti*, and the *Scots*, who roved up and down, and did very great Mischief; while in the mean time the neighbouring Tracts of *Gall* were grievously infested by the *Frank*s and *Saxons*; and each People strove as it were, which should exceed the other in Rapine, Burnings, and Leading away of Captives. *Theodosius* being sent to put a stop to those who harried *Britain*, took Sea at *Banonia* or *Boulogne*, and safely landed at *Rutupie*; whence, after that the *Batavi*, *Heruli*, *Jovii*, and *Vissiores* were arrived, he marched toward *Lundonium*, an old Town, which Posterity called *Augusta*; and dividing his Forces into several Parties fell upon the Rovers, while scattered up and down and loaded with Booty. The Plunder and Captives he recovered; and having restored all to the Owners, except some small portion bestowed on the weary Souldiers, he returned to the City in a triumphant manner, which exceedingly incumbered before with Difficulties, he had hereby restored to its ancient Freedom. Now entering into a serious consideration what was further to be done he found by what he got out of Prisoners and Fugitives, that his numerous and fierce Enemy consisting of divers Nations, was not to be mastered but by Stratagems and sudden Attacks. First therefore by Promises of Impunity he reduced most of those who had forsaken their Colours, or straggled abroad, to their Arms; and to use still greater caution he sent for *Civilis*, to govern *Britain* as *Vice-Prefect*, a man of an happy nature, but very just; as also *Dulcitius*, one of the Dignity of *Dux*, and famous for his Military Skill.

Aprick also in  
a sad condition.

43. So went matters in *Britain*, while *Aprick* ever since the beginning of *Valentinian* had groaned under the Rage and Cruelty of the Barbarians in no less degree; the Incursions of whom had been furthered by the negligence, sloth, and greediness of the Army. Most remarkable was the Rapacity of *Romanus the Comes*, who strove as it were to exceed the diligence of the Enemy in pillaging the Provinces; yet being so cunning as to decline the *Ostium*, he made use of his Affinity with *Remigius*, the *Magister Officiorum*, who ever told a fair Tale to the Emperor, and thereby kept him utterly ignorant of the sad estate of that Country, what wariness he pretended to. And indeed *Ammianus* writes in plain terms, That *Valentinian* was the first who encouraged and promoted the Insolence of Military Men, against the common good of the Empire; and how it is a matter to be lamented, that punishing with all cruelty the ordinary and common Souldier, he connived at the Crimes of the great Officers, who taking courage at this Impunity proceeded in those courses, as having the Fortunes of all men in their power; whereas of old time there was so great care taken, that the Commonwealth might not be oppressed through their Insolence, and too well known Ambition, that ancient Lawmakers chose rather to have some suffer innocently, than their Faults to go unpunished. But, at the same time the Barbarians broke into *Isauria*, where depopulating the Country they invaded *Pamphylia* and *Cilicia*, which they treated in the same manner, proceeding in their Rapines without any opposition: At length *Musonius* the *Vicar of Asia*, who had formerly professed Rhetorick at *Athens*, fell upon a Party of them, but so ill disciplined were his Troops, that he was circumvented, and cut off with all his Men. The Rovers encouraged by this Success pursued their course, till more Forces coming upon them, drove them into the Straits near the Mountains, where being closely shut up, and finding no means to escape, they begged Peace by the Perfwasions of the *Germanicopolitans*, a People of great Authority amongst them, whose City *Germanicopolis* was the Chief and Head

Together  
with *Aprick*,  
and other  
Provincers.

The Eastern  
and Western

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of all that part of *Isauria* they possessed, as *Selenia* the *Metropolis* of what of that Country belonged to the *Roman Empire*. Peace being granted them, and their Hostages received, they kept themselves quiet for a good space, attempting nothing of Hostility.

Pret. status  
p. of A. of Rome  
his Act.

44. At this time *Prætextatus* exercised the Office of *Prefect of Rome*, and that with such Integrity and Courage, that he might justly be reckoned amongst those few who were both feared and beloved. By his Authority was appealed a great Tumult and Disorder, which had been raised about the Election of a Bishop. He took away *Balconier*, or Galleries made on the sides of Houses, which had been forbidden in the City by ancient Laws, being called *Mæniana* from one *Mænius*, who having fold his House to *Cato* and *Placcus*, then *Censors*, for the building of the *Basilica Porcia*, excepted out of the Sale one Pillar, on which he laid Timber that jutted forth, and built a Balcony or Scaffold, whereon he and his Family might behold the Fights of the *Gladiators*; which Act was imitated by others, till restrained by the Laws. *Prætextatus* further caused a Distance to be made betwixt publick Buildings and private Houses; and in every Region appointed certain Weights, observing that unjust and covetous persons changed and counterfeited them at their pleasure. In point of Judicature he had that advantage of others, which *Cicero* ascribes to *Brutus*, that although for favour he did nothing, yet on whatever he did, a favourable Interpretation was put. About this time one *Rendo* an *Alleman* of Royal Descend, having long cast in his Head how he might do it, fell suddenly upon *Magnificus*, not fortified by any Garrison; and by reason that the Inhabitants were buffed by the Celebration of a Christian Solemnity, (as *Ammianus* writes) easily made himself Master of it, and departed with Plunder, and so many Prisoners as he thought convenient. After this *Vithicabius*, the Son of *Valdomarius* their King, was murdered by one of his own Servants, that held Intelligence with the *Romans*, a cunning man, who could be removed by no other means than that of Treachery. *Valentinian* thought fit to make more than ordinary Preparations to prevent that Hostility which thereupon he could not but expect; and taking his Son *Gratian* along with him, passed the *Rhine*, and invaded their Territories, where for a good space he could light of no Enemy; but at length discovered them encamped on an Hill, whence he beat them down, and got a notable Victory. This done, the Souldiers went into their Winter Quarters, and the Emperours to *Triers*.

Valentinian  
defeats the  
Allemans.

Refers to  
himself the  
Cognizance of  
the Crimes of  
Senators.

45. To *Prætextatus* the *Prefect of Rome* *Valentinian* directed an Edict, by which he demonstrated how studious he was of the Reputation and Safety of *Senators*. This *Prefect*, as we have several times hinted, was the proper Judge of persons of that Dignity, so as in those days no Judge of a Province could censure them for any Crime. However now *Valentinian* commands, that before the *Prefect* should come to sentence, the whole Process be transmitted to himself, to whom he reserves the cognizance of the Cause, and the appointment of the Punishment: so great seemed his care for men of their Rank and Quality. Yet nine years after his Son *Gratian* thought fit to alter the form of their Trials, and indeed to abrogate this Law: For by a new Constitution he permitted the ordinary Judges or Governors of Provinces to have Cognizance of these matters. But then again withall he gave leave to the *Prefect* of the City to determine the matter, and also to inflict what Punishment he thought fit; which *Valentinian* by no means suffered. Then where as formerly it belonged to this *Prefect*, to hear and determine the Criminal Causes, in what Province soever the *Senator* lived; *Gratian* limited his Authority to the *Suburban Provinces*, giving to the *Prefecti Pretorio* Jurisdiction over the rest; and when the *Prefect* of the City judged them, it should be by the assistance and concurrence of five other persons. And so did *Gratian* partly enlarge, and partly diminish the Power of the *Prefect* of the City, whose Jurisdiction became in those times more appropriate to the *Suburbanian Provinces*, and that of the *Prefecti Pretorio* more and more increased. As *Valentinian* concerned himself for the Privileges of *Senators* really such; so by another Constitution, directed shortly after to the same *Prætextatus*, for such as obtained the Honourary Title thereof, without the Burthens thereunto belonging. These were they who had discharged duly the *Palatine* or Court Employments, particularly *Notaries*, and such as served in the *Scrivia*, *Agentes in rebus*, *Admissionales*, and the rest. When they went out of their Services they were advanced to the Degree of *Perfidijsimii*, or, if *Comites* or *Triumvires*, to an higher rank of Honour; receiving commonly Letters Testimonial from the Prince, directed to the *Prefect* of the City, being the Judge or Keeper of Dignities. But *Valentinian* observed, that by so great Indulgence to all sorts of persons,

A.D.

367.

Valentinian is so  
in Am. l. 12  
l. 27.

Prætextatus  
p. of A. of Rome  
his Act.

L. de Peni.  
Cod. Tit. 19.  
lit. 40.

L. 13. de Acti.  
suis.

Littere professi-  
orie.





246

## The Roman Empire.

Valentinian,  
Valens,  
Gratian.

## Part II.

Señ. 2. Degrees, than belonged no the Soller Originally. To this end he Decrees, " A.D. 369.  
that upon the Stairs, should a Table of Bras be fixed, whereon both the sort  
and quantity of Bread, should be Ingraven, and the Name of the Person that  
was to receive it. And if any caused these Tables to be falsified, by putting there  
in their own Names, they should be obnoxious to Punishments lately recited. "  
This Law was Published at Rome, on the first of August.

Sapor makes  
a great  
noise.And Murders  
Arise.Paras the Son  
of Ardes  
sent by the  
Emperour to  
Govern Ar-  
menia.Sapor Drives  
him out.And in-  
vests him.Foziz Divides  
the land.Whereupon  
he is per-  
secuted.

52. But thus stood Matters in the West, when Sapor the old King of Persia, who from the beginning of his Reign, was accustomed to Rapines, having for sometime concealed his Design, openly broke that Infamous Peace made with Jovian, by laying hold on Armenia; which, after tampering to allure the Nobility and terrific the Ordinary sort, he now openly invaded. Then having by horrible Perjury drawn Arjaces into his hands, he put out his eyes, and sent him away to a Castle called Agabana, where he was Murdered, and driving out Sauronaces, whom the Emperour had set over Iberia, he put in his Place one, Aspacuras, and Honour'd him with a Diadem. These Devices so well succeeding, he Committed Armenia to Cylux the Eunuch, and Artabanes two Fugitives, whereof one had been formerly Prefect, and the other Magister Armonum of that Countrey, with Orders to take and Raze Artagerassa a very strong Town, wherein as yet were preserved the Wife, Son, and Treasure of Arjaces. They made means to get into the Place, and endeavour'd to perforce the Queen to yield; but were so wrought upon by her Lamentations, that they agreed to suffer the Besieged to Illue out and surprize their Enemies, which being effected, the Queen sent away her Son Paras into the Roman Dominions, where he was kindly received by Command of Valens, and appointed to reside at Nicæsarca, a noted City of Pontus Polemoniacus, part of Pontus Euxinus, which according to the variety of Nations, it passed by, received several Names as, besides Pontus properly so called, Pontus Galaticus, Polemoniacus, and Cappadociens, for so were the Provinces Called. With this kindness of the Emperour, Cylux and Artabanes encouraged, sent to him to desire Aid, and that Young Paras might be their King. No Assistance was granted present-ly, but Terentius a Duke of those Quarters, was Ordered to bring Paras into Armenia, to Rule, yet without Ensigns of Majesty; which was Cautiously observed, lest Sapor being much irritated, by what had formerly passed, should have just Cause to Object to the Romans, the breach of the Peace.

Valentinian  
sings.

54. But heret being above all measure enraged, he invaded Armenia, and laid all waste before him, and therewith were Paras and his two Governours so terrified, that without thoughts of any Opposition, they took themselves to the Mountains, which lay betwixt the Roman Borders, and Lazica, beginning at Rhisium, and Inhabited by Free People, which was neither Subject to the Emperour nor the King. The King hunted after them, but to no purpose, and therefore having wasted the Country, he laid siege to Artagerassa, which he took and burnt, and carried away the Wife and Treasure of Arjaces. There being now sufficient Advantage given to begin a War, Arinthenus was sent with an Army to assist the Armenians, in Case the Persians should invade them, and this Sapor understanding, betook himself to his Craft; which but seldom failed him. He now fell on Courting Paras, and by fair Language inveigled him, representing to him how dishonourable his present Condition was, which he termed no better than Slavery; so that the foolish Young Man, Cut off the Heads of his Masters (as Sapor cunningly called them) and sent them to him. By this means he had assuredly been Master of Armenia, but that his Men were discouraged by the coming of Arinthenus, so that he only required of the Emperour, that according to the Articles of Peace made with Jovian, no Aid might be granted to that People. This was absolutely denied; and further Terentius was Commanded, with twelve Legions, to Convey Sauronaces into Iberia, whom, when he now drew near the River Cyrus, Aspacuras desired that being Kingmen, they might Reign together; alleging that he could not yield, nor joyn himself to the Roman Side, because his Son was an Hostage with the Persian. The Emperour being hereof informed, was content to Compose the Affairs of Iberia in as gentle terms as could be; and Agreed, that whereas the River Cyrus divided the Country, Sauronaces should have for his Share, that Part that lay next to Armenia and Lazica; and Aspacuras receive the other half adjoining to Albania and Persia, Sapor was vehemently disturbed at this Agreement; Exclaiming, that, contrary to the League, Armenia was Relieved, his Embassy slighted, and Iberia Divided without his Concurrence or Knowledge; and he made all possible Preparations, both at Home and Abroad, to undo what had been done against his Mind.

55. In

Señ. 2.

Maximian  
the Prefect  
Ardes at  
Rome plays  
horrible  
pranks.Valentinian  
strengthens  
his hands.Particular  
persons cruel-  
ly handled.

55. In the mean time Valens the Emperour was not negligent of his Affairs; but having time enough vacant from such Employments, by several Laws amended the State of the East as he saw convenient himself, or by the Lawyers was suggested to him; which Laws relate to such matters as we judge not altogether proper for us here to take notice of. But at Rome horrible Murders were committed at this time by procurement of Maximinus the Prefectus Annone, a man of prodigious Covetousness and Cruelty. Being but of mean Birth, as the Son of one of the Tabularii belonging to the President, and meanly Learned, he put himself so much forward as he got the Government of Corsica and Sardinia, and afterward came to be Governor of Tiflis, whence he was preferred to have the care of the Annone or Provisions of the City: And as Impudence and Flattery commonly succeed, at length arrived at the Dignity of Prefectus Prætorio itself. Occasion was given to his enormous Proceedings by one Chilo, who had been a Vicar, and his Wife Maxima. They complained to Olybrius the Prefect of the City, that their Lives were in danger to be taken away by Poison, through the Practices of Sericus, Asbolus, and Campepsis, three Persons of mean Condition. It happened that Olybrius at this time was sick, and the Complainers impatient of Delay, petitioned that the matter might be referred to the Prefectus Annone. The Reference was made, by which opportunity Maximinus shewed the Cruelty of his Nature, no more capable of pity or moderation, in the Judgment of Ammianus, than that of a wilde Beast upon the Theatre let loose from its Den upon the Prey. Much ado he made, many Examinations, and by Whipping or other Tortures having furrowed the Sides of such as were suspected, they accused some Noble Persons, as having by their Clients managed this Clandestine Practice; with whom not able to deal as he did with them of low condition, he most wickedly affirmed by way of Consultation to the Emperour, that so great were these Mischaneours in Rome, that they could not be reformed but by severe Proceedings. Valentinian was enraged at this Misreport; and being by his own inclination (as the Historian terms him) rather a bitter than a severe Enemy to Vices, by one Edict in reference to Causes of this nature, which out of design he confounded with matters of Treason, he ordained, that those persons should be subject to Tortures, whom the Justice of ancient Laws, and the Wisdom of Princes, had thought fit to exempt from bloody Inquisitions.

A.D. 369.

56. And to strengthen the Hands of Maximinus, he conferred on him the Title of Vice-Prefect, and joynd with him one Leo a Notary, a Pannonian Hackster, who breathed nothing but fury, and was most thirstily after Mans Blood. Maximinus wonderfully pleased with the Humour of his Colleague, and tickled by his new Honour, now leamed to fly, and not to walk after his Game. Innumerable were the Outragious Acts he committed, amongst which the Cafe of Marinus was very remarkable, who being a Pleader of Causes was accused by ill arts to have attempted Marriage with one Hispanilla, and for this after a slight hearing was sentenced to death. Besides him Cethegus a Senator, upon pretence of Adultery was beheaded: Aspius a young Nobleman, for a very slender fault sent into Banishment: and other obscure persons openly executed, with the sight of whom every Citizen was so affected, that therein beholding his own danger, which he knew not how near his door it might be, he dreamed of nothing but Tortures, Fetters, and Prisons. At the same time Hymetius, a man of great worth, governing Africa, as Proconsul, being over-time Hymetius, a man of great worth, governing Africa, as Proconsul, being over-time

came by the grievous Complaints of those of Carthage, who were furnished for Maintenance of the People of Rome, which yet he supplied shortly after, there happening a very fruitful season. Having fold then for one Solidus but ten Modii of Corn, and afterwards for the same price bought thirty, what gains chance had accrued he accounted for to the Treasury; but Valentinian suspecting he had sent less than he had gained, punished him by taking away part of his Estate. It happened ill, that one Amantius, an Aurispeex, was accused to have been hired to appeale the Genius of the Emperour, in whose House some Papers were found, which railed against Valentinian as covetous and cruel: He being hereupon consulted, still gave order for severe Inquisitions. And Frontinus, who had been assitant upon the Bench to Hymetius, as he who was sent betwixt them, was cruelly beaten with Rods, and banished hither into Britain; and Amantius himself was afterward put to death. Hymetius was conveyed to the Town called Oriculum, there to be convocatd before Amplius the Prefect of the City, and Maximinus the Vicar, in all appearance destined to destruction, but he appealed to the Emperour, and his Appeal was admitted, by which means he strangely escaped so imminent danger: For Valentinian referred the matter to the Senate, which

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which after a full hearing of the Cause, confined him to *Boa* a place in *Dalmatia*, and by so gentle a Sentence incurred the displeasure of the Emperor, who had appointed him to no less a punishment than that of Death.

A.D.  
369.

57. The City was wonderfully alarmed by so frequent acts of Cruelty, and every one making the Case his own, by Decree of the Nobility a Message was sent unto the Emperor. *Pretextatus*, who had been *Præfēt* of the City; *Vennustus*, who had been *Vicars*; and *Minervinus* having exercised the Power of *Consularis*, were the men; intrusted in such manner, as to desire that so great Punishments might not be awarded to Offences, and that none of *Senatorian* Degree might (contrary to all Law and Custom) be subjected to Examination by Torture. When they were admitted into the Consistory, *Valentinian* denied he had given any such severe Orders, and cried out that he was abused; but *Espraxius* the *Questor* gently refuted what he said, and by his reasonable liberty of Speech a stop was put to so direful Proceedings. Yet about the same time *Lollianus* a Youth, the Son of *Lampadius*, who had been *Præfēt*, was convicted before *Maximinus* of having copied out a Book of Evil Arts, notwithstanding his green years, and by direction of his Father, appealed to the Prince; but being sent for to Court, was delivered into the Hands of *Phalargius* the *Consularis* of *Betica*, and perished by those of the Hangman. Moreover, *Bajissa*, who afterwards came to be *Præfēt* of the City, his Brother *Camenius* with two others, all of them of the Degree of *Clarissimi*, as guilty of such a Crime, had perished in like manner, had they not been saved by the Interest of *Vidorianus*, who was esteemed the most inward Friend of *Maximinus*. Neither was the other Sex exempt from these Calamities, very many of Noble Birth being put to death under pretence of Incontinency. Amongst these were most eminent *Claritas* and *Flavianus*, who being led to death was stripped stark naked, so as he had nothing to cover those Parts which Nature would conceal; of which Villany the Executioner being convicted was burnt alive. Besides these *Papianus* and *Cornelius*, both Senators, having confessed that they had tampered with Poisons; were executed, and the *Procurator* *Mavortius* in like manner was put to death by his Award. *Sericius* and *Abolius*, formerly mentioned, by all means he endeavoured to induce to accuse other persons, and for this purpose he swore he would neither destroy any by the Sword or by Fire; and therefore to keep his Oath he killed them by meer strokes of Plummets; and lying under no such Obligation to *Campensis* the *Aruspex*, he caused him to be burnt alive. Growing confident upon his Success, and strutting in the huff of his Pride, he began to despise even *Probus* himself, the chief of all the Nobility, who justly seemed to deserve that high place he now bore of *Præfētus Pretorio*. This was perceived by *Aginatus* the *Vicar* of *Rome*, who taking it very disdainfully that *Maximinus* was by *Olyrius* preferred before himself in the Examination of Causes, secretly advertised *Probus* thereof; and added, that if he so pleased the Coxcomb might easily be brought down.

58. Some said that *Probus* fearing *Maximinus*, as one now practised in Villany, and in great favour with the Emperor, sent him the Letter of *Aginatus*, at the sight whereof he was inflamed with an impatient desire of Revenge. Another thing happened, which ministered further matter for *Aginatus* his Trouble: He spake against *Vidorianus*, who by this time was dead, as one that had been assiduous to *Maximinus* in his unwarrantable practices, and was further so inconsiderate, as to threaten to sue and molest *Anepha* his Widow, though he had left him a very large Legacy. She being afraid of him, for her security applied her self to *Maximinus*, and to make him her true Friend, pretended her Husband had left him in his Will three thousand pounds of Silver. He swallowed all the thought to bait him with, and having got this Advantage challenged one half of the Inheritance, and not therewith content invented a way whereby he might devour the whole Patrimony; and this was by marrying his Son to the Daughter of *Anepha*, though she was only the Step-daughter of *Vidorianus*. This done, and having more firmly secured his Interest, he acted still with more rigour and violence, and to extravagant were his Proceedings both against poor and rich; as what *Amniamus* tells us in particular thereof, seems almost incredible to those that read him. But when he was out of his Office, called to Court, and advanced to be *Præfētus Pretorio*, he was no whit mended by this better fortune, but did mischief (so *Amniamus* observes) as Baskills are wont to do at a distance. At this time the Brooms wherewith the Senate House was swept were seen to blossom, which in the opinion of those that took notice of it portended, that some of vile Extract should arrive at the greatest Dignities. And indeed most of those that executed the place of the *Vicar* of *Rome* being no others than the Creatures of *Ma-*  
*ximinus*

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*ximinus*, most horribly abused their Power. But of these *Urficinus* shewing more favour than was usual, yet left his Power of *Vicar* without the usual Approbation: For he was despised as Cowardly deferring of business, and indeed being cautious he informed the Emperor, and referred to him the Case of one *Ejans* and others, that were kept in hold for committing Adultery with *Rufina*, one that accused of Treason her Husband *Marcellus*, who had formerly been an *Agens in rebus*. After him succeeded *Simplicius Homonensis*, who had been a Professor in Grammar, and from that calling became a Counsellor to *Maximinus*, and was very fit for his turn, by a civil and obliging Carriage concealing the inward cruelty of his Nature. And first he put to death *Rufina*, with all that had either committed Adultery with her, or been privy to the Crime; after whom were punished many as well innocent as guilty. For if you will believe the Historian, in this bloody business he seemed to contend even with *Maximinus*, and endeavoured to demonstrate himself most active in destroying the Nobility; so as to the other Acts of *Busris*, *Anteus*, and *Phalaris*, there appeared nothing wanting but the Bull of *Agrigentum*.

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59. Several such Acts of Cruelty happened; but the Case of *Eumenius* and *Abienus* are mentioned as most remarkable: These two had been under *Maximinus* accused, as having had too familiarly to do with *Fausana*, a Woman of Quality, and as long as *Vidorianus* lived had secured themselves sufficiently; but when *Simplicius* came to the place, for fear they betook themselves into secret corners, especially after the Condemnation of *Fausana*, and particularly *Abienus* hid himself with *Anepha*. Now as unfortunate persons never want matter of Woe, it happened that one *Apandianus*, a Slave of *Anepha* being enraged that (according to the custom of Slaves) his Wife had been scourged, went by night and acquainted *Simplicius* how matters stood; who presently sent his *Apparitors*, and forced those that concealed themselves from their Retirements. And *Abienus* was put to death, as having abused the Body of *Anepha*, which silly Woman cried out with purpose to save her Life, that in the House of *Aginatus* she had been practised upon by Magical Arts. *Simplicius* hereof advertised the Emperor, upon whom *Maximinus* at that time waiting, and bearing *Aginatus* malice for the reason we have heretofore related, earnestly solicited *Valentinian* by a Rescript to order he should be put to death; but being aware of that Load of Infamy which would fall upon him, in case *Simplicius*, who was known to be his Friend and Counsellor, should execute the Sentence upon a person of *Patrician* Degree, he kept the Precept by him for some time, considering whom he should trust with so great a piece of Service. At length (as evil Instruments are never wanting to wicked purposes) one *Doryphorianus* a *Gall*, a Fellow impudent even to madness in self, he found out and procured him the Place and Authority of *Vicar*, to whom he gave the Rescript of the Emperor, and there with Instructions how he might best put it in execution; which was by using all expedition, for if the least delay happened, he affirmed the man would most certainly escape. He making all haste to *Rome* imaginable, when all persons came to pay him their Visits, little minded them, being solely intent upon the way and means how to compass the death of *Aginatus*. Having notice that he was at his House in the Country, he caused him there to be apprehended, and together with him *Anepha*, to be brought before him by night, as to hear the Cause; but upon his entry he was laid in Chains, and his Slaves, who had been for this purpose starved in prison, were brought forth to accuse him, and by Stripes even torn in pieces, to constrain them to do it, contrary to what the Laws indulged in this case of Incontinency. Saying what he would have them, in such Agonies, as seemed to sicken in no less than very Death, upon these words was *Aginatus* condemned, and without being heard sentenced and executed, though he appealed to the Emperours; and at the same time *Anepha* received the like Award. And so prospered for a time the Villainous Projects of *Maximinus* and his Complices; but Vengeance though often slow, yet commonly overtakes such merciless persons: For *Maximinus* afterward under *Gratian* bearing himself with answerable Insolence, had his Throat cut by the Hand of Justice. *Simplicius* had the like end in *Ilyricum*, and *Doryphorianus* being condemned and cast into prison, the Emperor sent back into his own Country in *Gall*, and there commanded him to be tortured to death.

The ill Ends  
afterwards of  
*Maximinus*  
and his Com-  
plices.

60. This *Maximinus* by several Laws, as well as some Historians, is called by the *Vide Prosepe* Name of *Maximus*; and from the Laws this Story of *Amniamus*, relating to his Cruelties, receives Confirmation; as it on the other side affords light to some thing enacted by *Valentinian*, of which otherwise to fit an Interpretation could not be given. *Amniamus* tells us of Rescripts made by the Emperor upon the malicious Re-  
ports



Sect. 3.

A Cunning  
Law made by  
Valentinian,  
whereby he  
terms to have  
further streng-  
thened the  
Hands of Ju-  
dges.

ports of *Maximinus*; and how the first occasion was given to these cruel Acts by the bringing of certain Persons into question by *Clilo* and his Wife before *Olybrius*. And to *Olybrius* there is still extant an Edict directed under the Title of *Præfēt* of the City, whereby may be too easily evinced the facile humour of *Valentinian*, in reference to those severe Courts. All Persons of what Quality soever, were subjected to Tortures, and so great a fence the Nobility had of this practice, that they sent to the Emperor their Meflengers with a Petition to put a stop to it. "He" writes to *Olybrius* that None should be subject to Torture, whom either former Service in the War, or their Birth, or Dignity protected, without his Consent: first obtained; except in Case of Treason, wherein all Persons he faith are of equal Condition. But if any was Convicted to have Forged the Emperours Hand, there needed no Consultation of the Prince in that Case, except the person were one of the *Palatines* or a Courtier. Here he declares particularly exempt from "Torture the *Veterani* or old Souldiers, the *Curiales*, and Persons of *Senatorial* Rank," besides others at present Dignified by their Employments, or the Prince his favour. But he excepts the highest Criminals or those that were Guilty of High Treason, who indeed by all Law formerly in Force, forfeited all Privileges granted to other Offenders, as also did they who were found guilty of Magical Arts, in the Emperours Palace, a Crime which these times equalled with High Treason it self; in like manner as in this Law, *Valentinian* conjoins the Counterfeiting of his Hand. And to speak indifferently, by an Edict penned with so many exceptions, this Emperor seems to have so gratified the Nobility upon their Petition, as yet to have left open a door for the indulging of his cruelty upon all occasions. If any one was accused to have Counterfeited his Hand; against him *Maximinus* or any other might proceed without any molestation, and if any persons privileged by former Service, Birth or Dignity were accused, he referred to himself power of Subjecting them to Torture, upon Consultation; besides that vast latitude given to Accusations of Treason, which he or his Ministers might easily Forge. This our veracity obliges us to observe both concerning the humour of this Emperor, and the Privileges granted by former Laws to several sorts of persons, against Examination by Torture, of which more hereafter.

Valentinian  
endeavouring  
to raise a Fort  
in the Country  
of the  
Gallies, which  
his men.The Mar-  
sacred  
Rob-  
bers.Utterly root-  
ed out.Treason  
from Lucien,  
before it enters  
in the  
Laws.

61. But *Valentinian*, at the same time, driving on high Designs against the Enemies of the Empire, thought fit, for prevention of the Excursions of Barbarians, to Fortifie the *Rhine*, from *Rhetia* as far as the Ocean, with great Ramparts, Forts, and Castles, where he saw convenient, all along the Coast of *Gall*, and by vast labour and Charge, (his Men wading up to the Neck while about their work) brought one of them to perfection upon the River *Nicer*. But endeavouring to raise a Fortification in the Enemies Country, when he would not be diverted from his purpose by the Fathers of the Hostages which had been given up into his Hands, his Men were all Cut off; not one returning with the News of the Defeat, besides *Syagrius*, then a Notary, but afterwards *Præfēt* and *Consul*, whom in a Rage he Calhied and Confined to his own House, for that alone had escaped. In the mean time great Robberies and Murders were committed in *Gall*, by which, amongst others perished, *Constantianus* the *Tribunus Stabuli*, an Ally of the Emperor, Brother to *Coreselin*, and *Jufina*. But the Audaciousness and Industry of the *Maratocappeni*, inhabitants of a Town in *Syria* of such a Name, near to *Apamea*, is most remarkable; who in the Habits of Merchants or *Honorati*, invaded and rifled whole Towns and Villages. None could be provided for their coming, for uncertain was their time and way; for as inconstant herein they were as the wind, in reference to which sudden and unexpected Onsets, *Amminius* tells us that the *Saxons*, of all Enemies were in those days most dreaded. In like manner, as when a Condemned Criminal was to be put to death, the *Rationalis* of the Treasury, with his *Apparitors* came to the House with their *Preco* before them, founding a dismal Note, and having Executed the party, seized on what was found in the House; so these Robbers by Companies having found out their prey, imitated the Course of Justice. But having in this manner enriched themselves, by the Emperours Forces, they were utterly destroyed, not one being left alive; and together with them all their Children, left having once attained ripeness of Age, they might drive the trade of their Fathers.

62. About the same time *Theodosius* here in *Britain* marched from *Augusta*, which the Antients (our Author tells us) called *Londonium*; and with a stout Army he had carefully provided, repaired much the weak and tottering Estate of the Provincials. Discharging as well all the Offices of an active and hardy Soldier, as

A.D.  
369.L. 1. de vige-  
floribus  
Cod. Th. lib.  
9. Tit. 35.  
C. nullus unde  
no 4 Cod. fol.  
ad leg. Jul.  
de leg. Jul.  
de leg. Jul.  
de leg. Jul.  
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The third  
Consulting  
of  
Valentinian  
and Valens.The Saxons  
infest the  
Coasts.After Peace  
was made  
perpetually  
cut off.

of a fagacious and vigilant Captain, he defeated several People, whom Pride and Insolence had thrust forward to their own ruin, and laid the Foundations of quiet and security for a long time, retorting both the Cities and Garrisons, though in never to great disorder, to as good a condition as ever they had been in. But while he performed this signal Service to the State, and secured the Country, he himself was in very great danger: For one *Valentine* of *Valeria*, (part of *Pannonia*) an insolent Fellow, Brother to the Wife of *Maximinus* the Horseleach lately mentioned, being for a great Offence banished into this Island, impatient of rest plotted how to destroy him, as the only person that was in a condition to withstand other mischievous Designs he had in his Head. As opportunity presented it self, by great Promises he allured both banished persons and Souldiers, and prepared them for an Attempt; but ere the Design was put in execution, it was discovered to the General, who thereupon committed *Valentine*, with some few of his most intimate Complices, to *Dulcinius* a *Dux* in these parts, with Orders to put them to death. But having reason to be cautious, as he was a man in Military Skill surpassing all others of his time, he would not permit any further Inquisition to be made into the Conspiracy, left by terror struck into so many guilty persons, the tempestuous Troubles of the Provinces at present well appeased, should again revive. He turned himself from this business, to the settling of matters as yet out of order, and chiefly to the fortifying of the Borders; and having recovered a Province which the Enemies had overrun, and restored it to its former condition, upon his motion it had a Governor of its own appointed, and by the Prince his command received the Name of *Valentia*. These Enemies must be the same with those *Amminius* formerly mentioned, viz. the *Piſi* and *Scoti*, whom *Claudian* the Poet, in his Panegyrick to *Honorius*, the Grandson of this *Theodosius*, mentions also as beaten, and restrained by him. The *Areni*, a sort of men instituted by the Ancients, being by little and little degenerated, he removed from their Stations, it being apparent that (induced thereto by great Rewards) they had discovered several times to the Barbarians what was done or debated by the Roman Officers, quite contrary to the design of their Institution: For their charge was to run to and fro, and having made Discovery of what the Enemy was about, thereof to advertise the Commanders. After he had with much commendation performed this Service, he was sent for to Court, and (if the Historian flatter not his Son) left his Charge with no less Honour, than formerly had waited on the Industry and Fortunes of *Furius Camillus*, or *Papirius Cursor*. Indeed *Symmachus* tells his Grandson, that for these Achievements both in *Britain* and *Africa* he had Statues erected to his Memory; but this may be conceived done after the Advancement of his Family. *Cambden* also brings in *Pacatus Drepanus*, telling amongst other things how the *Scot* was driven by him into his Fens and Bogs, and the *Saxon* consumed by Battels at Sea.

63. The Year following being the CCCLXXX. of our Lord, had for Consuls the two Emperours *Valentinian* and *Valens* the third time, *Olybrius* still continuing *Præfēt* of the City, to whom succeeded *Amplius* ere the Year was out. *Olybrius* his Government was too mild and gentle, especially considering the great Luxury and Effeminateness both of Senators and the ordinary sort, which *Amminius* describes in *lente A. A. 3* many words. His only study was how to be Complaisant; he was a bitter Enemy to *Cofi*. Calumniators, (yet employed *Maximinus*) and to the Rapacity of the Treasury, and very upright of himself in all matters of Judicature; but in his declining years he was given also to Luxury, pleasing himself with Stage-Plays, and addicted to Women, though in no forbidden way; and his Succellor was much of his humour, for though now and then he made shew of Severity, and to reform some particulars relating to Taverns and Vicious Houses; yet again he grew remiss, and so did the more harm by his Inconstancy. As seldom ever did Ruine and Desolation fall upon any State or Nation, but Vice and Debauchery ushered them in: So this very Year the *Saxons* from the Sea ingreat multitudes fell upon the Borders of the Empire, where they raged with Fire and Sword, and committed grievous Outrages. Against them *Nannenus* a *Comes*, a good Souldier, who commanded in those Parts, made head, but finding himself too weak to sustain the shock, therewith acquainted the Emperor, who sent *Severus* a *Magister Militum* to his assistance; and he having the Command of a good Army, so distressed and terrified the Enemy before they came to fight, that they begged peace, which after much debate being found convenient for the Empire, as matters stood, was at length granted them; but as they were returning to their own Seats, they were all cut off by those that were sent to

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370.Ite leues Ma-  
ros, nec fuisse  
nomine *Pillius*  
Edmon, *Scot*  
tamque vago  
macros fice-  
tas. *Detortio*  
*Honorii* *Con-*  
*statia*.

Lib. 10. p. 22.

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370.Valentinian,  
Valens,  
Gratian.

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way-lay them, most perfidiously doubtless; although *Amianus* not able to excuse the Crime in the whole, would do it in part by terming them no better than a Company of Thieves and Robbers.

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370.

64. This Treachery thus well succeeding, *Valentinian*, who all this Year lay at *Trier*, seriously considered how he might best curb the Insolence of the *Allemans*; and *Macrianus* their King, who ever and anon affronted him by their Inrodes, and notwithstanding they were frequently defeated, and returned with great lofs, yet were as numerous as if they had not been touched for many Ages together. At length he resolved to make use of the *Burgundians* against them, a warlike Nation, very populous and terrible to all their Neighbours. He held private Intelligence with their Kings, and by Letters promised to pass the *Rhine* with his own Forces, and assist them in that work they thought was too much for themselves alone. They willingly accepted of his Alliance, both because they imagined they were defended of old time from the *Romans*, and because they had bitter Content with the *Allemans*, about Salt Pits and the Limits of their Country. And they were ready at the appointed time; but the Emperor being employed in building Forts, failed of his word, and they sent to him that he would come and fetch them off; but as to this, Delays were also made, wherewith enraged as finding themselves abused, in great wrath they put to the Sword all the Prisoners they had taken, and returned into their own Country. A King amongst these *Burgundians* was by a general Name called *Hondius*, and was wont to be depofed, if under him they had had ill success in War, or the Earth had not brought forth Fruits in a plentiful manner: Like as the *Egyptians* of old ascribed such Accidents to their Governours. Their Chief Priest they called *Sinitus*, being for Life, and obnoxious to no such severe Laws as their Kings were. *Theodosius* then *Magister Equitum* made war upon such of the *Allemans*, as for fear of that Nation were dispersed through *Rhetia*, of whom for many as he took, he sent by the Emperours Order into *Italy*, where receiving a fertile Country about the *Po*, they continued Tributaries to the Empire.

The Emperours  
abused by Valentinian.The Province  
of Tripolis in a  
sad condition.

65. About this time miserable was the Condition of the Province of *Tripolis* in *Africk*, partly by reason of the Incursions of Enemies, and chiefly through the Deceit and Villany of pretended Friends. The next neighbouring Nation to them were the *Asturianis*, a sort of Barbarians exceedingly addicted to Rapine, who made frequent Inrodes; but being perfwaded or compelled to be quiet for some time, more vigorously than ever renewed their Hostilities upon this occasion. There was one of their Countrymen, *Stachao* by Name, who coming within the *Roman* Pale plaid there several pranks, and ventured so far as to tamper about betraying of the Province, for which he was apprehended, convicted, and burnt alive. Hereat they exclaimed as a most cruel and perfidious Act, and like to wilde Beasts all ran out of their Dens to revenge the death of their Friend and Kinsman; which thing happened when the Emperor *Jovian* was still living. They were not so bold as to attack *Leptis*, a City strong both in its Walls and number of Inhabitants; but for three days continued in that fruitful Country about it, where they killed all they met with, burnt what stuff they could not carry away and took prisoner *Silva*, one of the *Primates* of the Town, who by chance was then with his Family in the Country. Those of *Leptis* concerned (as they had reason) at such an Accident, desired Protection of *Romanus*, who then was newly promoted to be *Comes* of *Africk*; but he refused utterly to stir, except they would make very large Provision for him, and besides furnish him with four thousand Camels for his Expedition. The poor people were amazed at his demand, and declared, that after so much loss sustained by the Barbarians, they were in no condition to make such Preparations, which he having heard, after forty days shutting and diffimulation rose up and went his way. All their hopes as to assistance from him being gone, and the time of the General Council of the Province, which with them was Annual, being now at hand, they made choice of *Severus* and *Flaccianus* for their Messengers, who with certain Golden Images of Victory, which they sent to *Valentinian*, as Congratulatory upon his Assumption of the Government, as we have said the Custom was, should also present him with an account of their distressed Condition. *Romanus* the *Comes*, the Council being publick, could not but have notice of the Message designed, and he sent away in Post to *Remigius*, the *Magister Officiorum*, his Cousin (by Craft as well as Kindred) to desire that he would persuade the Emperor to refer the business to the *Vicar* of *Africk* and himself. The Messengers presented their Petition, and offered to prove the Contents thereof, which *Remigius* in behalf of his Friend denied. And the Emperor not knowing which Party to believe, the whole matter

And by his Interest in Remigius at Court their Petition comes to nothing.

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was put off to consideration and a further hearing; as is usual in Courts, where there is an hurry of business.

66. But, while the distressed People of *Tripolis* expected Relief from Court, the Barbarians encouraged by the same Motives as put them out of heart, came down again, and made miserable waste in all the Tract belonging to *Leptis*, and *Oea*, a City placed betwixt it and *Subrata*, from which three the Province of *Tripolis* had its Name. They killed several *Decuriones*, and amongst others *Rusticius*, who had born the Dignity of Priesthood, and *Nicæus* an eminent *Reditor*; and no way could there be found of Resistance, because the Charge of the *Militia*, which at the prayers of the Messengers had been committed to *Ruricius* the President, was lately transferred to *Romanus*. The noise of this Devastation flew as far as the Emperor into *Gall*, and so startled him, that he sent away *Palladius* a Tribune and Notary, both to pay the Army of *Africk* their Arrears, and to bring him a true Information concerning the state of *Tripolis*. But still the *Asturianis*, as ravenous Creatures which had got a taste of Blood, encouraged by all these Delays, renewed their Incursions, and killing those that could not by flight avoid them, plundered and burnt as formerly; and neither would leave standing any Vines nor other Trees. *Mychon*, a Citizen of principal note, was caught near the Town, and made his Escape before he was bound; but to hide himself he fell down into a Pit, and breaking one of his Ribs was taken up again by the Barbarians, and led to the Gates, where he was ransomed by his Wife, and being drawn up by a Cord to the top of the Wall, died of his Bruise after two days. Grown full more and more insolent upon the liberty they had got to do what they listed, they attacked *Leptis*, and for eight days together continued their Siege; but having some of their number wounded, without any effect they went away something discouraged. The Townsmen at their wits end, and not hearing what was become of their former Messengers, sent now other two, *Jovinus* and *Pancratius*, to inform the Emperor of what they had both seen and suffered, who coming to *Carthage*, and there finding *Severus* and *Flaccianus*, understood from them that their business was referred to the *Vicar* and the *Comes*: And *Severus* died presently after, but the other hastened to the Court with as great Journeies as possibly they could make.

The Barbarians attempt Leptis, but in vain.

Villanous Practices betwixt Romanus and Palladius.

67. But *Romanus* having heard of the coming of *Palladius* the Tribune and Notary, whom (as we said) the Emperor sent with the Soldiers Pay, and to give him Intelligence how matters stood in *Africk*, to secure himself dealt privately with the Principals of the Army, that the greatest share of what he brought should be given to him, which he readily enough accepted, and went on his way to *Leptis*. There he received the miserable Complaints of the Inhabitants, and by *Erethius* and *Aristomenes* (the chief of the Town) was conducted to see the lamentable Desolations of the Country, which having beheld he reviled *Romanus*, and threatened fully to inform the Emperor how matters had gone, who thereupon in great fear and wrath affirmed, that he also would turn Informer, and certify the Prince how he being sent as a Notary of approved Fidelity, had converted the greatest share of the Soldiers Donative to his own private use; whereupon the Notary being frightened, agreed with *Romanus* to conceal all from *Valentinian*, whom at his Return he fully informed, that they had complained without just cause. Hereupon was he sent back with *Jovinus*, the only Messenger left of the two, for *Pancratius* was dead at *Trier*, that together with the *Vicar* he might hear the Case of the *Tripolitans*; and *Valentinian* ordered, that *Erethius* and *Aristomenes* should have their Tongues cut out of their Heads, for having used too free Discourse, as *Palladius* had informed. The Notary came back to *Tripolis* in order to the Affair with the *Vicar*, which *Romanus* understanding, sent his own Domestick, and *Cecilius* his Counsellor born in the Province, who so wrought upon the Townsmen either by cheating Language or Bribes, (it's uncertain whether) that they utterly denied they had given order to *Jovinus* to say any such thing as he had done to the Emperor; by which the man affrighted, to save his Life as he thought, yielded and said he had lied to him. *Valentinian* hearing thus much from *Palladius* at his Return, and being naturally inclined to Severity, commanded *Jovinus* as principal Contriver, and three others as Accessaries to Falshood, as also *Ruricius* the President as a Lyar, to be put to death. *Ruricius*, who in his Relation was accused also to have used some biting Expressions, was executed at *Sistis*, and the other at *Utica*, by Sentence of *Crescens* the *Vicar*. *Flaccianus* having hardly escaped the Fury of the Soldiers, when he was heard by the *Vicar* and *Comes*, who cried out that the *Tripolitans* might thank themselves for not being at relief relieved, was thrown into prison, and made his Escape to *Rome*, where he died.

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68. So continued miserable *Tripolis* under its cruel Oppressions, both from Foreign and Domestick Enemies; though Justice it self, which seemed to bewail its Condition, kept its Eternal Eye (as our Author words it) still waking, and the Blood of the Messengers and the President continued their cries for Revenge, which long after came to pass, according to the usual Saying, that *Murder will out at last*: For when *Palladius* was dimitted from his Attendance, and destitute of his former Supports of Pride and Confidence, was retired to a Private Life, and *Theodosius* was come into *Africa* to suppress *Firmus*, who was there attempting to set up for Sovereign; as he was taking a view of *Romans* his Moveables, which he was ordered to do, he found a Letter amongst his Papers of one *Mete-rius* with this Inscription, *To his Lord and Patron Romani*; and after several other matters nothing to the purpose these words were added, *Palladius the forlorn salutes you, who saith he is dimissed for no other cause, than for having lied to the Emperor in the cause of the Tripolitans*. The Letter was sent to Court, and *Mete-rius* with all speed apprehended, who confessed he wrote it, and thereupon *Palladius* was also sent for, who considering of how great a Villany he was guilty, escaped his Keepers by night, as they were celebrating a Christian Vigil, and hanged himself. Encouraged at the Report hereof *Erethius* and *Aristomenes*, who for fear of having their Tongues cut out had escaped and hid themselves, came forth, and gave an account of the whole matter to *Gratian*, who (*Valentinian* being now dead) referred them to *Hesperius* the *Proconsul*, (the Son of *Aspurginus* his School-master) and *Flavianus* the Vicar, who afterward sided with *Eugenius* the Usurper. They heard the matter with all indifference, and subjecting *Cecilius* to Torture, he confessed how by his Arts the Citizens were persuaded to belie their Messengers; and *Remigius* afterward died by the Halter, as may be shewn in its proper place. This story so eminent for the Variety, acquaints us with the corrupt Inclinations of the great ones of those days; and how careful Princes, who see by other mens Eyes, and hear by their Ears, ought to be, especially in matters relating nearly to the Safety of their People, and to Blood: So miserably was *Valentinian* gulled through the Treachery of those about him, that by the Tricks of *Romani*, and the false Suggestions of his *Magister Officiorum*, this very year he seems to have made an ill-grounded Law upon this very occasion: For, there is extant an Edict directed to *Claudius* the *Proconsul* of *Africa*, on the second of February, in the Consullship of *Valentinianus nobilissimus puer* and of *Vitor*, whereby it is ordained, That if any Messengers come to Court with improbable or superfluous Requests, that at their own charge they be sent back with their own Horses or Carriage-Beasts. For, as we have before observed, the Messengers of the Province were allowed the use of the *Cursus publicus*, and Princes ever pretended to have their Ears open, by free Access to their Complaints. To prevent all idle Addresses, *Valentinian* by other Laws had formerly taken care, as having the Decrees they brought with them first entered amongst the Records of the ordinary Judges of Provinces then, examined, and reported to the Prince by the *Præfatus Pretoria*. But this further Severity with all probability proceeded from the Arts of the Persons lately mentioned, and their posseling of him with Prejudice against the Messengers from the *Tripolitans*, the Edict being directed to the *Proconsul* of that Province.

69. But while they of *Tripolis* would gladly have tilled their Lands and could not, or reaped the Fruits of their own Labours, there were some in *Gall* who might have done both the one and the other, and would not, as appears by an Edict directed to *Jovinus*, who was now *Magister Militum* in that Countrey: By this he encourages the *Veterani*, or old Souldiers dimitted, to till and improve the Lands of such as were absent and neglected them, assuring them they should enjoy the Profits of their Labours, or the Fruits of their own Improvement, without any Rent or Allowance made to the Owners, from whom the Law doth not take away the Inheritance or Dominion of the Grounds themselves. Two days after the Date of this Law he directed another to *Olybrius* the *Præfatus* of the City, for Explanation of an Edict made by *Constantine* the Great, (to whom he gives the Title of his Divine Parent) in favour of the Daughters of such as had been nominated to the *Pretorship*, and died before the setting forth of their Games, that they should be excused from any Charge, if so be they had no Brothers. Indeed if such a Candidate for the *Pretorship* left any Sons, there was no doubt but receiving their Fathers Inheritance therewith, they were obnoxious to this Charge of the Games; although generally the Law favoured the Children of such as being only named to a Place,

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Other Laws  
he makes for  
the encourage-  
ment of Learn-  
ed Men.

As Physicians.

died before they came to Execute the Office; but here remained a question, whether in case both Sons and Daughters were left Heirs together, the burthen should descend upon the Daughters too, according to their share in the Inheritance; which *Valentinian*, by this Constitution, determines against the Women, contrary to the general Rule of Law, that those who should not have the Advantage or Honour of a thing, should not be Subject to the Burthen or Inconvenience; for Sons might execute and enjoy the Honour and Dignity of the *Pretorship*, but Daughters could not. But such was the Burthen of this Office, that he thought fit thus to order it, and Ordain the same to be practised in other Services of this Nature. But to the famous *Olybrius*, at this very time, he directed other Edicts of greater Consequence, for; the Encouragement and Advancement of Learning, and the Liberal Professions in that City. We mentioned a Law made by him two years before, Infringed to *Prætextatus* the Predecessor of *Olybrius* for Regulating and Encouraging the *Archiat-ri*, or Ordinary Physicians of *Rome*. This now by another he Confirms, both as to the Maintenance, number, and Election of them; but requires greater Caution in the supply of every Vacancy, in three respects. For, whereas by the former he required the Election to be made by all the Number; by this he will have it perfected by the Consent or Votes of the Major part, as is more agreeable to Law; and the Custom of all Corporations, or Societies. And whereas in that to *Prætextatus* he had said only in general, that another was to be Chosen into the Place of the deceased, thence a Question arose, whether if a Senior died, his Successor should not Succeed in his Seniority; which now he Determines in the Negative, ordering him that came in last to take the last or inferior place, the Course generally used; although a Question happened some years after concerning one *John*, who being a *Palatine*, or the Emperours Physician, challenged the place next to the Chief or President, and some were of Opinion, that he ought to have such Seniority as he might have had, had he been Elected at such time as he was entertained in the Prince his Service; but it was determined against him. In the last place is observable that this Law doth not require, as did the former, that the Prince should be consulted upon the supply of a vacant place.

70. This Law seems but a part of one large Constitution made now, as we said, for the Encouragement of Learned men, whereof another relates to the Liberal Studies of *Rome* in general, and a third to *Advocates*. That concerning Liberal Studies is still extant in the *Code of Theodosius*, thought not transcribed into that of *Theodosian*, because Relating to those times, and contains several Academical Statutes for Regulating the manners and Conversation of such as Studied at *Rome*; and the time allotted to them. For in this Age whereof we write, *Rome* was a Famous University, abounding with most excellent Professors, to hear whom the Youth flocked from all Parts, especially out of *Africa*, although that Countrey had been formerly the Nurse of Lawyers, and thence particularly at *Carthage*, were Schools wherein the Liberal Arts were Professed. But to *Rome* they came chiefly for obtaining the knowledge of the Law, and of Eloquence, which were taught here for a long time after, even in the days of the *Gothick* Kings. But great was also the Corruption of Manners in this City, as *Ammianus Marcellinus* largely complains, in this very Age; scandalous was it grown by constant Revellings, and Drunkenness, Gaming, Whoring, and perpetual running to the Theatres. Therefore it highly concerned *Valentinian*, for the Publick good, to provide as much as might be, that the Youth that came thither to Study, might not be corrupted in so flexible an Age, and a place of so ill Examples; and this he did by several Orders or Rules, than which for accomplishing such an End, nothing can be more exact. The first is, that when they came, they should bring with them Letters Dimittory and Testimonial from the Judges or Governours of the Provinces where they lived; wherein should be expressed what was their Country, where they were born, and the Quality of their Parents. In the next place, when they arrived they should produce their Letters, and the *Magister*, *Centurio*, whose duty it was, as also of his Officers or *Centuriones*, amongst other things to see good order kept; and especially that Strangers demeaned themselves soberly and as became them. Then were they (doubtless before this *Magister*) to declare what they would Study, or make Profession of, whether of *Greek* or *Roman* Eloquence, Law, Philosophy, or the like; and to undergo a kind of Matriculation at present practised in Modern Universities. But besides this, the *Centuriones* were to know where they lodged, that it might not be in any Suspicious Place, or where they might be diverted from their Studies. And they were further to take care that they kept no bad company, nor were present at any unlawful or dangerous Meetings.

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Valentinian  
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Law of Con-  
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men.L. 6. de Legat.  
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C. de Test.  
12. tit. 12.L. 1. de Test.  
C. de Test.  
6. tit. 25.L. 17. de Pre-  
toribus. Cod. Th.  
16. tit. 4.L. 6. de Affectu  
& Professio-  
bus. Cod. Th. &  
L. 1. qui in  
Archiat. Cod.  
1. tit. 10.  
Cod. tit.L. 1. de Studiis  
liberalibus. ar-  
chiat. Rome Cod.  
1. tit. 14. tit.

9.

He regulates  
the manners  
of the Stu-  
dents of the  
Liberal Arts.

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71. It was one of the Crimes of this Age and City, that the Theatres were too much haunted, and as *Ammianus* tells us, *Olympus* the *Præfess* himself, to whom this Law is directed, was guilty of the same fault; therefore as it was a blemish to all that Studied, or were employed in grave serious Matters, as Ecclesiasticks, Judges, and Souldiers, to frequent the *Spectacula*; so as pernicious to Learning, he forbids it here to his Scholars; and moreover all unseasonable Feasting, which either by their length, or the time wherein they were used, would hinder them from their Studies, and create in them ill Habits. If these Rules and Cautions would not prevail, in such a Case the Student that demeaned himself unworthily, was publicly to be beaten, or whipped, expelled the City, and being put on Ship-board, carried back into *Africk*, if that was his Country; which though severe, yet was esteemed no more than requisite, to restrain the Corrupt Humour of the Times. After this he prescribes the time they were there to Study, which he Limits to the twentieth year of their Age; for this was the usual period of Studies: a Boy from the twelfth year to the fourteenth, being supposed to Study Grammar and Geometry, and afterwards in the University, Rhetoric, Philosophy, Mathematics, and the Law; for they Learnt in those days the two Languages with ease in their Infancy, which we now toil at a long time; and yet *Dioclesian* formerly permitted the Youth of *Arabia*, to Study in the University of *Berytus*, till the twenty fifth year of their Age, a longer space he would not permit them to avoid the Employments of their Countries. In the tenth place, he orders the *Præfess* of the City, to admonish the *Censuales*, to whom the Charge of these Scholars did belong, every Month to exhibit a Catalogue, and Account of them, as what they were, and whence they came, and who were to be sent back into *Africk*, or other Provinces, their term being already expired; except they were such as belonged to any Body, Company, or Society in *Rome*, which enjoyed this amongst many other Privileges, that their Students could not be forced to quit the place. The last Rule is, that the Catalogues, or Accounts of what Students were in *Rome*, and what were ready to depart, should every year be sent up to the Prince himself, that He finding out the Merits and Qualifications of each, might make use of them for Publick Service, as he saw convenient. So did a Lady that Reigned here in *England*, in the last Century, require every three years an Account from the Chancellors of the two Universities, of what eminent Scholars there were in every Profession, whom as she had occasion the noted down, and marked for Employment, to send them abroad, or prefer them at home, as their Inclinations and her Service required. This is the second Branch of the large Constitution whereof we spake. The last commands Judges, that in hearing of Causes they assign Council to the Parties as indifferently as may be, that no neither the most knowing, nor most ignorant, may be all on one side. If any Advocate should deny his Assistance to any party, after the Judge his Assignment, he should lose his place without any Hope of Retitution; and if any of the Parties had procured a Combination of Advocates against his Adversary; so as to deprive him of equal Defence, he should be esteemed as one who by indirect Courses went about to Bolster up an unjust and tottering Cause.

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370.Gives order  
about Affig-  
nation of Ad-  
vocates.Miners Com-  
manded to re-  
turn into  
Thrace.

72. About this time *Valens* in the East found his Revenue impaired, by the neglect of those that wrought in his Mines of *Thrace*, who, it seems, not enduring the burthen imposed upon them, ran away from their work. He had sent Orders through his own District, that wherever they should be found, the owners of the Grounds in which they now employed themselves, should send them back; and whereas many of them had betaken themselves into the Neighbouring Countries of *Illyricum* and *Macedonia*, he had prayed Assistance of his Brother, to drive them thence. This *Valentinian* endeavoured by an Edict directed on the nineteenth of March to *Probus Præfessus Pretorio*, Remarkable for other hints it affords, besides the main business intended by it. Therein he gives the Title of *Dominus*, *noſter* to *Valens*, though his younger Brother, and one Advanced by himself. From this Law it is evident, that *Illyricum* and the *Diocesis* of *Macedonia*, in the Division of the Empire, belonged to him. And hereby we see that *Illyricum* and *Macedonia* were at this time under the Disposition of *Probus*, as also *Italy* and *Africk* as appears by other Laws. We may also observe that, at this time *Macedonia* was distinct from *Illyricum*, as in the Breviary of *Festus Rufus*, which (the year preceding this) he dedicated to the Emperour *Valens*; though in its general Name *Illyricum* also included *Macedonia*; and *Macedonia* and *Dacia* (these two *Diocesis*) afterwards constituted the *Præfecthip* of the Eastern *Illyricum*; at what time *Illyricum* was divided, and the

L. 7. de poffe-  
lenda. Cod.  
J. 1. l. 2. c. 10.L. 7. de Met-  
lis. Cod. Th. lib.  
10. l. 1. 15.

We-

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Western belonged to the Western Empire, though now when this Law was made, both Western and Eastern, as far as *Thrace*, appertained to the share of *Valentinian*. Hence comes it that *Ammianus* makes mention but of three *Præfess* *Pretorio*, under these two Princes, and signifies *Epirus* to have also been Subject to this *Probus*, which certainly afterward belonged to the Eastern *Illyricum*. But *Valentinian* was willing enough to Comply with his Brother, as in other matters so especially where any Rigour or Severity could be shewed, to which he was very much inclined, as not only Historians testify, but may sufficiently appear from the Laws. He had the year before published a Constitution against such as should Usurp the Right of the *Panis Gradilis*, or the Bread belonging to the poor Citizens of *Rome*; but the Penalty he thought was not sharp enough, as depriving only the Masters of Slaves, *Officials* and *Apparitors*, of the use thereof. But now, by the Infatigation, as we may easily guess, of *Maximinus* or *Maximus*, that cruel Blood-Sucker, lately mentioned, who at this time bore the Office of *Præfessus Aemone*, he directed another Edict to him, which bears date on the same day, as that concerning Miners; and discovers the Disposition of both Prince and Officer. Notice was taken that the Agents and Slaves of Senators, and others intruded themselves amongst the poor, and, under the Vizard of such, by Favour or Connivance of the Scribe belonging to the *Præfess* (who was to keep an Account or Catalogue of the Persons concerned) were admitted to the Allowance; such Agents or Servants as should do so, he Commands to be put to the Rack, to know whether they did it without, or with the Consent and knowledge of their Lords. If without, he Condemns them to serve in Chains, in the Bake-House they had so defrauded. If their Lords were privy and Consenting, He Confiscates their Houses; though a very severe thing it was indeed, that Slaves should be examined by torture against their Masters. As for others who without Right or Title had flared in the Allowance, if they had Estates, both them and their Estates he Condemns to be annexed to the Body, or Company of the Bakers; and if poor, to serve in the House with manual Labour. And as for the Scribe, if it hapned through his Corruption or Favour, no less a punishment he inflicts on him than death.

L. 6. de Ave-  
nis Civit. C. Th.A Severe Law  
against such as  
intruded a-  
mongst the  
Poor, and got  
their Bread.Valentinian is  
Indignant to  
Widows and  
Orphans.As also to  
Physicians  
and Professi-  
on.

73. More favourable he was to Widows, and Orphans, at this time, whom he Exempted from Impositions usually laid upon *Plebeians*, besides such as entered into Religion, of which we are to speak in another place. As great favour he extended to the Physicians, and Professors of the City of *Rome*, to whom as also to their Wives he grants Immunity from all Publick Services, and Burthens, and namely, from the finding of Souldiers; for, having as well as other Citizens Estates in the Provinces, upon occasion of the War with the *Allemanni*, they might be called on to set out their Men, as also to afford quarter, as well as their Neighbours, from which Burthen he also declares them free, to the great Inconvenience of Learning. Several other Laws he made also at this time; for the better Regulating of Corporations, as that no Promotions *per saltum* should be permitted any therein, but to be nulled by the Governour of the Province, without any power left in the Court of the Corporation it self therein to intermeddle. And, whereas those that were Merchants, and paid the usual Impost upon Wares called *Lustralis Collatio*, in case they Purchased Lands belonging to a Corporation, because of the said Impost, thought themselves freed from all Burthens lying upon the Possessors of such Lands, he declares on the contrary, that by reason of the said Lands, they shall be obnoxious to all the Duties relating to the Corporation. Nay further, it appearing upon Complaint, that several Persons in *Africk*, with Design to evade the said Duties, had aspired after the Senatorian Dignity, he Commands that they be forced back to them, except they had been made Governours of Provinces (which yet afterwards he would not allow them to be, except they had passed through all the Employments of the *Curia*) or except they had served in the Palace; for such having discharged all Duties there, might be of the Senatorian Rank, and were freed from these Burthens; or Lastly, except such an one had passed the Services of the Field, or after finishing his Military Course, arrived at that Quality. Now there were so many of the *Gentiles*, as this Age called them, or such as were defended of the Barbarous Nations, which were no Members of the Empire, spread abroad both in the Armies, and elsewhere, that they gave cause of Jealousie, lest they should Attempt something against the Publick Safety; to prevent which, by a very severe Law, he forbids Marriage with them, to all Persons of what Condition soever, and that under no less a Penalty, than death it self. Hereby he may seem to have been fen-

L. Unica de  
Nuptiis Gen-  
tilium C. Th.  
lib. 3. c. 14.

L 1

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sible of those Mischiefes that followed upon Preferment of those men, who not easily being commanded, but commanding Armies, they had great opportunity to involve the Empire in Troubles, which they vigorously improved. For, this Law of *Valentinian* was afterward so far null'd, that by Re-script of the Prince Licence was indulged to make such Marriages; and *Ammianus* complains, that in his time the Commanders of those *Gentiles* (of which there were Numbers or Regiments in the Army) were not *Romans*, but of the same original with their Soldiers. They conquered the Provinces by degrees, and in *Justinian's* time had so far embodied themselves with the People, that this Law, to which the temper of the times would by no means submit, was (as antiquated) by *Trithemius* omitted to be put into his Code. It was directed to *Theodosius* with the Character of *Magister Equitum*, wherein he had succeeded *Jovianus* at his Return out of Britain.

74. But we may return for some time into the East, when the Winter of this year was over, *Sapor* King of *Persia* having sufficiently provided himself, sent an Army which brake into the *Roman* Territories. Against it was oppos'd *Trajan* a Count and *Vadomarinus*, who had been a King of the *Allemans*, with a considerable Force, but with Orders rather to make a Defensive than an Offensive War. They governed themselves according to their Instructions, declining an Engagement as much as possible, that they might not be reputed Breakers of the Peace, but by necessity were forced to make use of their Arms, and thereby obtained the Victory. Yet was it not so great, but the Enemy still kept the Field, and several skirmishes afterward happened with various success, wherewith the Summer was spent, and then a Truce was made by consent of both Parties. Though those two Captains were (as we have it from *Ammianus*) employed against the *Persians*; yet *Zosimus* tells us, that *Valens* himself moved Eastward, but by slow Journeys, being employed as he went along in hearing the Medigles and Complaints of the Cities, which he gratified by granting all just things they desired; that when he came to *Antioch* he ordered his matters relating to the War with good caution; that having wintered in that City, when the Spring would permit his March, he removed to *Hierapolis*, whence leading his Army against the Enemy, upon the approach of Winter he returned again to the same Quarters. Now that he marched into the Eastern parts appears sufficiently from the Dates of several Laws, which also in Winter fix him at *Constantinople*, whatever *Zosimus* writes of *Antioch*, at which City yet he might reside some time during his Expedition. From *Constantinople* he first removed to *Nicomedia*, and thence to *Cyzicus*, where he settled a matter in controversy betwixt the ordinary Judges of Provinces and their Officials, or Apparitors, viz. the *Principes*, *Comicularii*, *Commentarienses*, *Adjutores*, *Numerarii*, *ab Actis*, a *Libellis*, *Exceptores*, and the rest formerly mentioned. It had been a great Question whether they might appeal from their Judges whom they served, who being but Annual might impose very harsh Conditions upon them; and yet without some Awe there could be no good Government of these men, who having their Places for Life, would little regard the Menaces of that person, who they knew would be out of his Office shortly, and consequently out of capacity to punish their Misdemeanours. *Valens* therefore took a middle course, declaring that in Civil matters Appeal should lie, but not in Criminal Causes; for if they neglected their Duty, and their Magistrate whom they served had no power of Punishment, how precarious must his Employment necessarily be?

75. From *Cyzicus* he removed to *Cæsarea* in *Cappadocia*, thence to *Antioch*, and his next Stage was at *Hierapolis*, where he created several Laws: The first of them is that famous one, whereby he restored to the City of *Constantinople* the old Privilege called *Jus Italicum*, of which we have already spoken upon occasion of the founding of that City. Being now intent upon the War for the filling up of his Troops, he issued out an Edict to *Modestus* the *Præfatus Pretorio* of the East: Therein for encouragement to *Tirones* or new Soldiers, and they that set them forth, he declares, That as soon as they were lifted in the Army, if formerly subject to the *Constitutio* or Tax, they should thereupon be discharged *ipso facto*, and their Wives also after they had served five years; Provided they had brought their home to their own confes: For although Marriage by the *Roman* Law was accomplished by the consent and affection of the Parties; yet so far as was there was to be some evident sign and declaration thereof, most commonly the leading or conveying of the Woman to the Mans House was taken as concluding, and in some cases it was necessarily required; sufficient Proof being otherwise wanting, and for prevention of Fraudulent Practices, it being easie to pretend Affection and

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Ammian. l. 29.

L. 47747.

L. 17, quæram  
appellationes  
non recip. Cæd.  
Tol. l. 11. tit. 13.L. 26. de Italia  
jure nobilitate  
Corinthiæ. Cæd.  
Tol. l. 11. tit. 13.L. 6. de Tironi-  
bus. Cæd. T.  
l. 7. tit. 13.Inde præfati  
Tirones du-  
cere.

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Consent. As for the publick Benediction of Marriage in the Church by the hands of Priests, it was not as yet introduced by any publick Law. In the second place he declares what sort of men shall be preferred for *Tirones*, not any Stragler or old Souldier, but one born and brought up in the Province, one subject to the *Constitutio*, or one of those they called *Adscriptes* or *Supernumeraries*; for as both in the Field and in the Palace there were those that were in actual Service, and those who were near unto it, kept as Probationers from amongst whom Vacancies were supplied; so in like manner in the Provinces, some were actually inrolled in the Ceste Books, and there were others who were to succeed them upon occasion. Lastly, he prescribes the manner of filling up his Troops to be first out of the *Adscriptes* of the Army, and if Supply sufficient could not be had thence, out of the *Tirones*, or those newly raised or to be raised for this purpose, or else out of the *Centis*, or such as were called, to whom recourse should be had in the last place, left the publick Revenue might be lessened by freeing so many that were obnoxious to the ordinary Tax.

76. The Truce being made betwixt the Empire and *Persia*, that King returned to *Ctesiphon*, there to winter; and the Emperour came back to *Antioch*, where being out of danger of any Foreign Enemy, he was not altogether so secure from domestick Treason. There was one *Procopius* a turbulent and restless Man, who accused *Anatolius* and *Spudastus*, two of the Emperours Servants in the Revenue, of conspiring against the Life of *Fortunianus* the Comes rei private, a troublesome exacting person in his Office: He brings the matter before *Modestus* the *Præfatus Pretorio*, who had succeeded *Auximius*, and procures one *Palladius*, an obscure Fellow, as a Sorcerer hired by them, and *Heliodorus* a Caster of Nativities, to be put to the Rack. *Palladius* to avoid the Torture cried out, That these were slight matters, and not worth the while in comparison of some other clandestine Practices, which if they proceeded would put all things into confusion; and being encouraged to make the Discovery, that one *Fidulius*, who had born the Office of President, with one *Irenæus* and *Pergamius*, had by secret and detestable Arts learnt the Name of him who was to succeed after *Valens*. *Fidulius* being controlled by the Accuser, confessed all, and how he with *Heliodorus* and *Patritius*, two excellent Artists in Divination, had consulted about that matter, and found out, that an Excellent Prince should succeed, and they themselves come to untimely ends for their Curiosity. That when they considered who was best able to discharge the Sovereign Command, *Theodorus* seemed best to deserve it, who had already obtained the second Degree amongst the *Notaries*; and indeed the Man was very remarkable, as defended of an ancient and noble Family in *Gall*, though born in *Italy*, exceedingly well educated, and for his Modesty, Prudence, Humanity, and Learning, acceptable to all men both high and low, and seeming to deserve a much higher place than that he at present possessed. *Fidulius* almost tortured to death, declared, that what he had predicted was made known to *Theodorus* from himself, by intervention of one *Eusebius*, a person of great Learning and Quality, as having formerly governed *Asia* as *Vicar*. Hereupon was *Eusebius* committed to prison, and the Emperour being acquainted with the whole story, breathed nothing but death and horror against those that were conscious of this Practice, exasperated by the Flatteries of many about him, particularly of *Modestus*; who (to secure himself against the fears of a Successor) omitted nothing of that nature but made him believe himself a clownish and ill bred Man, though he was as quaint in his Expressions as ever was *Cicero*, and that the Stars at his back would descend into his lap. Now was *Theodorus* apprehended at *Constantinople*, which he was gone upon some private business; and from the most remote parts many were headed away Eminent for their Nobility and Employments; the Emperour and his Ministers giving themselves rest neither day nor night from bloody Inquisitions. The public Prisons could not contain the Multitudes they endeavoured to crowd into them, neither were private Houses enough found fit for their receipt. And now *Theodorus* being detained prisoner in a remote quarter of the Territory the Trumpets began to found (as *Ammianus* phrase it) to Bloud and Slaughters.

77. But he adds, that as an Historian, who knowingly omits what had been really done, is as much to blame as he that feigns what was never done: So he must not deny, neither could it be doubted, but that the Life of *Valens* was often endangered by secret Conspiracies of some Military Men, whom he had purposed to expose to imminent perils in *Thrace*. As he took his rest once in the Park betwixt *Antioch* and *Selencia*, he narrowly escaped being murdered by *Salust* one of the *Scutarii*.

L. 12

To

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Qui dum isti  
moratur, secu-  
tra interim bo-  
num exortum  
tam, justitiam  
pateat  
fructibus, etc.  
Am. l. 29.Certain per-  
sons by Magi-  
cal Arts en-  
deavour to  
know who  
shall succeed  
Valens.Whereupon  
he breathes no-  
thing but  
Torture and  
Death.A Truce made  
with the Per-  
sians.Valens will  
not have the  
Officers be-  
longing to  
various of  
Provinces ap-  
peal from  
them in Cri-  
minal Causes.Gives Rules  
about Tironi-  
bus or young  
Soldiers.



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To which we may add, that *Zotinus* accuseth this *Theodorus* of Ambition and Tampering about his future imaginary Preferment. Therefore *Ammianus* concludes, that he had reason to defend himself by all means to which Prudence could direct; but in this he could never be executed, that in the heat of his Pride and Anger he made no distinction betwixt the innocent and the guilty; but while there was reason to doubt of the Crime, he was fully resolved as to the Punishment; and to those miserable people word was brought, that they were condemned before they thought themselves suspected: So resolute was he in his bloody humour, which was extimulated by his own Avarice, and of those about him, that if there were but any shew of Moderation, they branded it as Dulness, and procured the Ruine of many wealthy Families. To those Parasites he gave constant Access, but was not to be come at by others of more confectionable Principles, and was most angry in a case wherein he should have been most void of passion; and therefore what they whispered he presently concluded and took all for granted, his Pride not permitting him any sober Inquiry. Hence it came to pass under shew of Mercy that many were sent into Banishment, and their Estates being confiscated, for'd all their Lives after to beg their bread.

78. The *Præfets* and those *Summates*, to whom, with him, the Cognizance of the Crime was committed, being convened, the Racks, the Plummetts, the Cords, and Rods, were brought forth, and amongst the rattings of Chains and Fetters, the noise of Hold him, Bind him, and Away with him, was heard, which the Sergeants echoed one to another. After a little Prelude to the Tragedy, *Pergamus*, whom (as we said) *Palladius* accused, when the Judges knew not well in what method to proceed, in a large Discourse accused many thousands as Accessory, and required several to be sent for from the utmost bounds of the Empire. But it being impossible to prosecute according to his Allegations, he was put to death, and many in Companies after him; which done, the main part of *Theodorus* came upon the stage. On the same day it happened, that one *Salta*, who was *Comes Thefaurorum* in *Thrace* a little before, and had been cast into prison, being to be brought forth to his Examination, as he was putting on his Shoes, out of a sense of the great Tryal he was now to undergo, became stupified and fell down dead amongst those that had their Hands upon him. *Patricius* and *Hilarius*, when they were produced, differed in their Relations, and for that had their sides sufficiently lanced with Stripes: and the *Tripes* or three footed Engine they used, was produced before them, whereby brought to the utmost extremity, they confessed the whole matter. *Hilarius* first acknowledged, that in resemblance of that at *Delphi*, they framed the *Tripes* of Laurel Twigs; that by Imprecations of secret Verbes, and by many and daily Dances being ritually consecrated, they moved it; the manner of which Motion, when it was to be consulted upon any secret Affair, was this: It was placed in the middle of an House, which was throughout perfumed with *Arabian* Odours, and thereon was neatly set a Charger, every way round and made of divers Metalls. In the utmost Ring or Compass thereof were engraven skillfully the four and twenty Letters, set at a distance from each other, so that certain Spaces betwixt them were precisely set out: Then one arrayed in white Linen Vestments, having on Linen Stockings, a Wreath upon his Head, and a Branch in his Hand, having by certain formal Charms obtained the favour of that Divine Power, which was the Author and Director of Divination and Foretelling, stood above the said *Tripes*, shaking a Magical Ring hanging at a Curtain; which Ring lighting by jumps and leaps, with distant pauses between, on certain Letters one after another, which seemed to stay and hold it, made Heroick Verbes answerable to the Questions demanded, and fully composed according to Rhythymal Numbers and Measures, like the Verbes of *Pythia*, or those of the Oracle of *Branchide*. There then as they inquired who was to succeed the present Emperour, for that it was said he should be every way an Accomplished Person, the Ring as it skipped here and there, quickly made up two Syllables with another Letter, at which one present cried out, that thereby *Theodorus* was portended; neither was there any further Inquiry made into the business, for they were very well satisfied that he was the Man. When he had laid open thus the whole matter to the Judges, he added therewithall, that *Theodorus* knew nothing of it. Then were they demanded, whether by signification of the same Oracle they foreknew what Trouble they should come to; and they replied in those most known Verbes, which declared destruction to those who should search into so sublime matters; and yet wish that the Furies threatened both the Prince himself and his Ministers with Plagues, for the avenging of their Blood. The Verbes being

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De Branchide,  
qui loco venio  
dicitur, vide  
Vulgi Anas.  
in p. 388.

Atii Divina-  
tionis huius  
aliqui modum  
narrant, qui-  
dam ab eis-  
usque sacris  
non uti-  
muntur. Vnde  
eand. lib. 4.  
Sed fides puti-  
at Ammianus,  
qui hoc vixit  
tempore, ad-  
hibet qd.

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ing produced and read, they were ordered to withdraw, by this time almost dead with tortures.

79. Then to clear further the evidence, were produced a great Company of the *Honorati*, in the number of whom, lay the depth of the Conspiracy; but every one endeavoured to devolve the burthen from his own shoulders, to the back of another. At length *Theodorus* was Commanded to speak, who first applied himself altogether to Intreaties, that the Inquisitors would intercede for his Pardon; but afterward being constrained to speak further to the point, professed that the Reason why he did not discover the whole Practice to the Emperour, was, for that *Eusebius*, who first disclosed the matter to him, expressly forbade him, declaring that what should come to pass, was not to be effected through the prevalence of any Ambitious Passion, but by the absolute necessity of Fate. And *Eusebius*, being tortured Confessed as much; yet however, *Theodorus* was convicted by the Evidence of his own Letters, written, though cunningly, to *Hilarius*, whereby he signified that he did not doubt of the Success, but was at a loss how to find out a convenient opportunity, to put the Design in Execution. They being set aside, *Eutropius* who then Governed *Asia* with *Proconsular* Power, and probably was Author of the Breviary of *Roman* History Dedicated to *Valens*, was accused as Accessory to the Crime, but was dismissed, after that *Pasphibius* the Philosopher, though all endeavours were used, could by no torture be forced to Accuse him. But *Simonides* a young man, who Professed also Philosophy, could not deny but that from *Fidusius* he had been made acquainted with their Practices, and out of a firm Resolution of mind would not reveal it. Now the whole Discovery being made, the Emperour Consulted, with one Breath Commanded that all should be put to death; which was Executed upon them, to the Horror of Multitudes that beheld the Spectacle, all having their Throats cut, except *Simonides*, whom because of his extraordinary Resolution, he Commanded to be burnt alive. After him many of all Sorts and Conditions, like so many Sheep were Butchered, Execution being first done, and then the Merits of the Cause enquired into, so that the Hangmen were quite spent with their labours, first of Torturing, and then Killing these miserable Creatures. Not long after, *Maximus* the Philosopher, the greatness of whose Reputation equalled his Name in those dayes, having Confessed that he heard what had been predicted by the Oracle, but out of Respect to his Profession, had concealed it, though he also fore-told that the Consultors would lose their lives, was brought home to the City of *Ephesus* where he was Born, and there beheaded, when he was now sick of an Incurable Distemper; the Great Master of *Julian*, the late Emperour. Before this, to allay the Envy and Displeasure of the People, for such Carnage as was made, an infinite Number of Books were got together, and burnt in the sight of the Judges, as dangerous and Prohibited, whereas indeed they were such as Treated of obvious profitable Subjects, as the Liberal Sciences, or the Civil Law.

80. And together with the Books, perished a great man of Law, one *Diogenes*, eminent for his Noble Birth, Wit, Eloquence, and mild Disposition, whose only Crime it was that he had a great Estate, having not long before governed *Bithynia*. *Alypius*, who had discharged the Office of *Vicar* here in *Britain*, was outed of his Estate, and sent into Banishment, his Son *Hierocles* having been maimed by tortures, and hardly escaped Execution. *Palladius* the Contriver of all these Villanies in the mean time pursued his course; and by his Tricks brought so many into trouble, that he filled all the Provinces with Lamentations. To the end that the very Wives might not have time to bewail the miseries of their Husbands, when an Account was taken of the Householdstuff of the Dead, by these Officers who did it, there were cast in, amongst the writings, some Charms or ridiculous Enchantments, which brought into Court before those Judges, who had neither Regard to Law, Religion, nor Conscience, thereupon they were seized, and as well young, as old, without any Defence made, were deprived of their Estates, and after all their limbs had been broken by torture, carried out in Chairs to Execution. Hereupon, throughout the Eastern Provinces, so great a Terror seized upon all sorts of Persons, that they burnt their Libraries, for they esteemed themselves in no better a Condition, than were the Guests of *Dionysius* the *Sicilian* Tyrant, over whose Heads, as they lay at meat, he caused Swords to be hanged by single hairs of Horfes. The great Manager of all these Intrigues, together with *Palladius*, was *Heliogodorus*, a Pleader of Causes, whom they called the *Mathematician*, a dissolute insolent fellow, who prescribed to *Valens* all his Methods, and after other manifold Forgeries, at length informed a

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against

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guinst that excellent Couple of *Consuls*, *Enfubius*, and *Hypatius*, two Brothers, and nearly Allied to the Emperour *Constantinus*, as if they aspired after the Empire; and withal he added this lie, that *Enfubius* had already provided himself of Imperial Robes. *Valens* was glad of the Occasion, and however by no means could their Innocence be overborn, it so evidently appeared; yet still did he make much of the Accuser, and they were both sent into Exile, and heavy mulcts imposed on them, which they paid; but shortly were they recalled, the money returned, and they restored to their former Dignities. Yet for all this, the Emperour would still proceed, and by many sad Instances shewed how it fares with a People, when the pride of a Sovereign Prince is joynted with fowness and feverity of Nature.

81. *Heliogabrus*, how its uncertain, chanced to die; and being to be buried, many Persons of Quality were Commanded to precede the Corpse; and amongst others the two late *Consuls*, and Brothers but now mentioned. Neither could he himself for some time, by any means be perswaded from being present, but at length being prevailed with, he Commanded the Nobility to go before (as the Custom was; not to follow, as the use is at this day) on foot, with their Heads bare, and some with their hands folded together: a fit posture for such as had been formerly Graced with Consular Ornaments, wherewith to Honour the Carcass of a Rascal, who having first come to *Corinth* to sell Fish, when it happened that the Man of the House was sick, and could not attend a Cause he had to be heard in Court, he adventured to appear for him. Having heard the Pleadings of those at the Bar, he was tickled with a great desire of becoming Advocate himself, and joyning this practice to his other Trade, grew so Famous, that, as Confidence usually procures Clients more than skill, he was more employed than any man, and though laughed at, and scorned by sober and understanding Persons, yet he derided them again, and putting on such a Countenance as not to be dashed, he got great Wealth, became Advocate of the Treasury, and obtained further Preferment. Here *Amianus* cannot abstain from exclaiming, and falling very foul upon *Valens*, for exposing to many Persons of Honour to so much Contempt; and further he tells us, that one thing else there happened, that made up the Roll of his Virtues. Generally he was so savage and unmerciful, that he was unwilling that death it self should put an end to the torments of Condemned Persons; yet there being one *Pollentianus* a Tribune, a fellow of a naughty life, Convict of ripping up a Womans Belly alive, and by taking out the untimely Birth, as he words it, of Consulting therewith, the Infernal *Muses*, concerning the Change of the Imperial Government: out of respect to their acquaintance and Familiarity, though to the Regret of Men of all Ranks and Conditions, he caused this Criminal to be dismissed, both with security of his life, and enjoyment of his Estate and Preferment. But Justice still watched how, and when to Revenge the death of these Innocents, and the Furies as he saith, enraged by their death, kindled the Flames of *Bellona*. Yet in the mean time, mischiefs befell the Provinces of *Asia* upon another occasion.

The Cruelty  
of *Festus* Pro-  
consul of *Asia*.

82. There was one *Festus*, Born at *Trent*, a man of very mean Parentage, and a sworn Brother of that bloody *Maximinus* formerly mentioned, who, as Fate would have it, going into the *East*, first had the Government of *Syria* Committed to him, and thence was preferred to be *Magister Memoriae*, which Office having Discharged with such mildness as became him, he arrived at the high Trust and Employment of *Proconsul* of *Asia*. All this while, when he heard of the Cruel and insufferable demeanour of *Maximinus*, he made a shew of great dislike, but when he understood how a man so undeserving, merely for such Services, was Preferred to the *Profectship*, he was inflamed with a desire of Compassing the like Honour by the same means; and like to a Player, having changed his Habit, presently began to act another sort of Person, still imagining he should be *Profect* in a very short time. And so he bestirred himself, as to imitate what his Friend had done at *Rome*. A Philosopher called *Ceronius*, one of no small desert, he killed with excessive and cruel torments; for that in a Familiar Letter written by him to his own Wife, he used a form of speech which was but proverbial, and tending to cause the Reader or Hearer to give greater Attention and receive a greater Impression of what was written or said. A silly old Woman that pretended to Cure Agues by a Charm, he put to death, though she had lately Cured his own Daughter, and was sent for to it with his own Knowledge and Consent. There was an Eminent Burgess of a Town, amongst whose Papers was found the Nativity of one *Valens* Cal-

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370.Valerius was  
the first  
that was  
killed by  
the Emperor  
Maximinus  
the first  
that was  
killed by  
the Emperor  
Maximinusand he was  
the first  
that was  
killed by  
the Emperor  
Maximinus

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Calculated; whereupon he was Examined, upon what account he had pried into the Fortune of the Emperour. He affirmed that his own Brother of that Name, was the man, and he was already dead, which, though he offered to prove, yet could he not be heard; but being before mangled with tortures, was put to death. A certain young man was observed in the Bath, to touch a Marble stone by the Fingers of both his hands, one after another, to put them to his Breast, and to say over the seven Vowels, which he imagined was a Remedy against the Pain of the Stomach; but for so doing he was judicially convicted, tortured, and then beheaded. So sad was the Condition of the *Roman* Subject in the Eastern Parts; while in the Western our Author tells us, he finds all things confused or out of order. For now was *Maximinus* (so much spoken of) become *Profect*; and by reason of his Power and Authority had opportunity of doing mischief himself, and of exciting the Emperour to Acts of Severity, who with the greatness of his Fortune too often intermingled his Licentious Will; and being naturally very cruel, when there was none other to advise him but *Maximinus*, would fall into such Fits of Passion, that not only his Countenance, but his Voice, his Colour, and his wonted manner of walking would change.

Maximinus  
made *Profect*  
and governs  
the Eastern  
Part.The cruel ef-  
fects thereof.

83. One of his Pages, a well-grown Youth, being appointed in Hunting to hold in a Slip a *Spartan* Hound, because he let him go sooner than the Game required, the Dog falling upon him and biting him, was beaten to death, and buried the same day. The Master of one of the Fabricks or Forges, having made him a Currate exquisitely polished, when for his Workmanship he expected a Reward, he commanded to be put to death, because it was somewhat less in weight than he ordained. *Epirates* a Priest he commanded to be slain, because he would not discover *Othavianus*, who had been *Proconsul* of *Asia*, and having been accused of some misdemeanour, had concealed himself in his House. *Constantianus*, one of the *Stratores*, or those that had the charge of providing Horses, for venturing to exchange some of those that was sent into *Sardinia* to make choice of, was by his command stoned to death. One *Abasius* a Charotter, being forewarned by him to forbear something of no considerable consequence upon pain of being burnt, when found to have committed the crime, notwithstanding he had taken great pleasure in his Sports, was by his order reduced to Ashes. *Africanus*, an industrious Pleader of Causes, having (as the manner was with Advocates) governed a Province, when he desired to be removed to a better Employment, and *Theodosius* the *Magister Equitum* moved him in his behalf, his Answer was, Go, Come, and change his Head, who desires to have his Province changed: And so the poor man lost his Life for but endeavouring that which was commonly practised. A certain obscure Fellow accused *Claudius* and *Salust*, two Officers in the Army, who from the number of *Joviani* had been advanced to the Command of Tribune, for that when *Procopius* usurped, they had spoken kindly of him. The matter was diligently inquired into, but nothing could be made of it; which when *Valentinian* perceived, he ordered the *Magister Militum*, who had the hearing of the Cause, to banish *Claudius*, and condemn *Salust* to death, promising that when he should be led as to Execution he would send him a Reprieve; but this being done, *Salust* neither escaped death, nor was *Claudius* (or *Cladius*, as some Copies have it) freed from his Banishment till the death of the Emperour. Other matters *Amianus* lays to his charge, but the particulars are not to be made out, the Copies of his History, which now are extant, being in those places so marred and imperfect. However he tells us, he was afraid to recount all he could say, lest he should be thought out of design to search into the Vices of him, who otherwise was a good Prince, and most studious of the Publick Safety. But one thing he thinks ought not to be concealed, which was, that he kept two She Bears, that were wont to feed upon Mans Flesh; the one he called *Mica aurea*, and the other *Immacinta*, and was very careful that they should lie near his own Bedchamber, and want nothing to maintain their Fierceness. And *Immacinta*, after he had seen many Carcasses devoured by her, as one that had well deserved Liberty, he let go loose into the Woods. These are evident Proofs of the Cruelty of his Nature; yet was he most watchful and sagacious for the safety of the Empire, neither can any of his Detractors say, that he ever failed in that point.

84. Such is the Account we have from *Amianus* concerning the Cruelties of both the Brothers. That raging of *Valens* in the East upon the matter of a Successor is attributed by the generality of Writers, though with some difference of Circumstances. *Socrates* the Ecclesiastical Historian writes, That the Devil procured some that were

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Sec. 2. who afterward became a Proverb for their Vileness. Sometimes the *Commentariensis* was employed to apprehend Prisoners, when tried he brought them to the Bar; and (as our Clerks of Assize) recorded all that happened at their Trial: For all which Services he had his *Adjutant* when the case required. But great Mischiefs were taken notice to have followed from these deputed to this charge, as Escape of Prisoners, because they judging themselves not to be principally concerned, were negligent in their business, which provoked *Valentinian* by an Edict, to require the Prisoner so eluding of the *Commentariensis* himself, and forbidding his Excuse, or laying the blame upon such obscure Fellows, and that by no less than his suffering the same Pain and Forfeiture which the Criminal himself should have undergone. But in case he was forced by some necessary occasions from his charge, he subjects the *Adjutant* or Deputy, to the same Penalty, in case a Prisoner was missing. At this time there was a Practice taken notice of in *Africa*, that much tended to the lessening of the Publick Revenue, which was, that such as had been made Heirs by the Testaments of their Relations or others, would enter upon those Lands that were good, but refuse to receive the barren or more unfruitful, because they would not pay the Tribute or Impositions due from them. To reform it, *Valentinian* by his Rescript directed to *Crescentus* the Vicar of that Diocese, commands, that such as had by Testament left them Lands both good and bad, should either take to the whole Inheritance, or quit it all.

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L. 17. de An-  
na & Tribus,  
cod. lib. 11.  
tit. 11.

Reforms an  
Abuse in  
Africa.

And in the  
unequal Mar-  
riages of Wo-  
men of Sena-  
torian Rank.

88. He was also about this time informed, that the Nobility or Senatorian Rank at *Rome* was very much dishonoured by Clandestine Marriages; especially by the younger sort of Widows, who being emancipated or dismissed from the Power or Authority of their Fathers, were wont to be brought upon and enticed to Bargains of this nature by several persons, who made a Living of making Matches; by whom they were cheated, and joined with mean, beggarly, and every way unfit and unequal men. To prevent this for the time to come, he wrote to the Senate, and gave express order, that no Widow of a Senatorian Family, under the Age of five and twenty, although she were emancipated, should marry again without her Fathers consent first obtained, if he was living. If her Father was dead, the Approbation of her next Kindred he required, as *Severus* his Predecessor had formerly done in the Marriage of Pupils, or those who had not arrived at Puberty. But whereas it might happen, that the Humour of the Kindred might be unreasonably averse to that of the Woman, or perhaps being to succeed her in her Inheritance, in case she died without Children, they might out of design oppose her Marriage; therefore when any difference so happened betwixt her and her Kindred about her Choice, the matter should be determined by the ordinary Judge, who in case there was an Equality in Merit and Fitness the men contended for, was to determine in favour of the Widow. This was in conformity to other Laws, which, when the Mother and Kindred cannot agree about the choice of an Husband for a young Maid, refer it to the Cognizance of the ordinary Judge or Governour of the Province. As to that prevalent Objection, That the next Kindred might hinder the Marriage out of design, he ordains, That such as were to gain by her death, if she died without Children, should not intermeddle, but the matter referred to those at further distance, who had no such Expectation. But besides this Custom at *Rome*, there was another thing relating to Marriage, which about this time he thought fit to reform: *Constantine* the Great, to work such Reformation in Manners as was suitable to the strictness of the Christian Profession, amongst other things earnestly desired to take away the use of Concubines; which that he might the more easily effect, he encouraged such as made use of them and had no lawful Wives, to change them into Wives by lawful Marriage, and making such Children as they had by them before Marriage completely Legitimate. But as he would encourage them by this Privilege to marry the Mothers, so on the other side he could not but think it Policy to deter them from living in that dissolute condition, by taking from their Natural Children (for so were they called) in case they would not marry their Mothers, certain Privileges allowed them by the Law; as that in case there was neither Legitimate Children, Father, Mother, Brother, Sister, Uncles, or other Kindred, they were allowed to inherit. This rigour now *Valentinian* thought fit to mitigate, not restoring the former Privilege in full, which he did by an Edict directed to *Ampelius Prefect* of the City, ordaining, That if so be a man had Legitimate Children, or left a Father or Mother, and had also a Concubine and Natural Children by her, he might leave them or her a twelfth part of his Estate; and in case he had none of the said Legitimate Relations, of his whole Estate divided into twelve he might leave them

L. 1. de Nar-  
tibus libris,  
dec. Cod. lib.  
4. tit. 6. vide  
com. Grotius.

three.

Sec. 2. three. This his Brother *Valens* at first did not approve of, but afterward confirmed for the sake of *Libanius* the Sophist, who having never been married, but had a Son by a Concubine, when he was now about sixty years old and like to die, was solicitous for this his Natural Son, that he might have wherewithal to live.

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89. Another Law there's extant of this year, in like manner directed to this *Ampelius*, which acquaints us that the Inquisitions about Sorcery, and the Prosecution of Senators upon that account, of which too largely we have heard from *Amianus* were not yet ceased. Whether it was upon desire of the Senate, and complaint against the Cruelties of *Maximinus*, by one Law before mentioned *Valentinian* declared the *Prefect* of the City to be the proper Judge of Senators, but still (as may be guessed) to have a reserve for his own Severity, he ordered him in case any difficulty occurred which he could not determine, not to consult him, but to send both the accused Party and his Process to the Court, as we have already recited. But with this was joyned another Rescript, by which appears the Diffimulation either of the *Prefect*, or the Emperor himself, or both. It declares, that the Senate ought to have the liberty of the *Cursus publicus* whenever they have occasion of sending their Messengers to him, which he proves by Reasons drawn from the Practice both of the People of *Rome*, and of the Provincials; for if they had the Privilege of making use of it upon such occasions, much more ought the Senate to have it, the Members of which he desires often to see as his Colleagues. We find elsewhere, that they sent their Messengers to him with Complaints, to which *Ampelius* might give his Assistance by obtaining this Edict, or hereby the Emperor was desirous to cover his Rigour to them, as by the obliging term of Colleagues, it being not unusual fill for Princes to protect themselves of their Body. By the Date of this Law we find him at the later end of the Year returned again to *Triers* from his Expedition; during which we must see what was done by his Brother *Valens* in the East.

Declares that  
the use of the  
Cursus belongs  
to the Senate.

L. 22. de Cursu  
publico, cod. lib.  
12. tit. 1. quon-  
iam inter plebeios  
tribunos esse  
aut Grotius  
in com.

90. The first thing we find him employed in at *Constantinople* was about the Publick Revenue, for supply of the Rolls, when any died that was obliged to the *Census* or Imposition. In such a case by a Constitution infcribed to *Magistrus* the *Prefect* of the *Prætorius*, bearing Date on the fifteenth of *January*, he orders, that the Number be made up out of the *Adversaries*, or such as were to be next enrolled, living in the same or some neighbouring Country. His pleasure is, that none but Governours of Provinces make this Supply, and for this end that the Plebeians, whom it concerned that they should not be burdened, and their *Defensors* should appear before them, and produce the Names of such as were fit to be inserted; and they were to hear all Allegations and Complaints, and determine the matter. Which was much better than to leave it to the partial Affections and Interest of the several *Defensors*, or Plebeians themselves. This was to be practised in case of Mortality; but if any had deserted their Habitations, and withdrawn themselves, then was no such supply required; but the Fugitives were to be sought for and brought back. And this it behooved him to take care of, for there were several persons, whom their Dignity and Employments privileged from these Payments, amongst whom were the Sons of those that served in the Palace or *Palatini*, and such of their Slaves as they had purchased by Money gotten in the publick Service. By a second Constitution directed this year to the same *Prefect*, and from this place, appears how mean the Dignity of Senators was there at this time; and on the contrary, to how great a degree the Repute of the *Navicularii* was advanced. Thereby he takes care for supply of the Body of these men through the East and the Diocese of *Aegypt*: For their Encouragement, he allows them for every ten thousand *Modii* of Corn they should transport freedom from the Imposition of Wine, Corn, and the like for every fifty Acres of Land, though not from that of Horses and Clothes. For the making of their Ships he will have Materials afforded by the Provincials; but the charge of repairing them must lie at their own doors. In the next place he will have transmitted to himself the Names of them all in two several Lists, whereof the one to represent those that were of the old standing, and the other of such as were newly admitted. And he gives them of the East all the Privileges which belonged to their Brethren of *Africa*, on condition that they and their Estates remained for ever obnoxious to the Charge and Office. In the last place he himself gives a List of other persons, as out of whom the choice of *Navicularii* might be made; as first out of the Administrators and others of the *Honorati*, who had obtained this Dignity by Codicils or Letters Patents, (to whom in common, notice was wont to be given, if there happened any extraordinary occasion) those of them excepted which served in the Palace, who were

Valens in the  
mean time  
takes care of  
his Revenue.

L. 7. de censu,  
cod. lib. 13.  
tit. 10.

L. 14. de Navi-  
culariis, Cod.  
lib. 13. tit. 10.  
J. 1.

And indulges  
the *Navicularii*.





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Offence. Because it behooved the State of Affairs that it should be so, he received him with a Kiss, as the Emperours were wont to do Governors of Provinces; and now being full of hope, he procured Necessaries to be brought to the Army; and leaving his Hottages departed, promising also to send back the Prisoners he had taken when he first revolted. And within two days he surrendered *Iscium*, together with the Military Ensigns, and other things he had taken, amongst which was a Sacerdotal Crown, for the Pagan Priests were wont to wear such Golden Ornaments. The General proceeded to a place called *Tipsa*, where the Embassadors of the *Mazices* met him, who had joined with *Firmus* in his Revolt; to whom when they begged pardon, he gave no more comfortable Answer than this, that he would make War upon them, and with that comfortable Message bid them return into their own Country.

Hearing that *Firmus* meant deceitfully, he marches to secure himself and the Army.

Is in danger of being destroyed.

Being overpowered by Numbers he betakes himself to craft, and breaks the Enemy by delaying.

94. Thence marched he to *Cesarea*, a wealthy and noble City in former times, which now finding waste and desolate, he therein bestowed the First and Second Legions, to put it into order, and fence it against any fresh Attempt of the Barbarians. While yet he continued in this Town, he had so good Intelligence, as fully to discover that *Firmus* meant nothing less than Peace, and only watched for an opportunity by an unexpected Attack to destroy him and his Army, whereupon he proceeded and took up his Quarters at *Sagabari*, a Town of *Mauritania Caesariensis*, where he seized on the fourth Cohort of the *Sagittarii*, that had revolted to the Rebels, whom (so shew himself no way cruel) he only punished by depositing them to the lowest Service in the Field, (a course of Discipline we formerly observed usual with the *Romans*) and commanded them with part of the Regiment of Foot called *Constantiani* to come to *Tigavia*, (another Town of the same *Mauritania*) together with the Tribunes, of whom one had put a Wreath instead of a Diadem about the Head of *Firmus*. He animadverted upon them, as also on *Bellones* and *Pericles*, two principal men amongst the *Mazices*, whom being brought Prisoners by *Gildo* and *Maximus*, he caused to be put to death. This wholesome Severity shewn, he took and razed a Fort named *Gaiouatis*, which having a strong Wall about it, was the securest Refuge of the *Moors*; and this done, he went forward to the Castle of *Tingitanum*, and by way of the Mountain *Ancorarius* fell upon the *Mazices*, who were gathered together in one Body; and being indeed an hardy People, made at first a vigorous Resistance, but were overthrown and all put to the Sword, except such as cried for Quarter after they had made a Retreat, which (the time requiring it) was granted them. But for all this so great Multitudes of the *Moors* from other Quarters poured themselves down upon him, that being but three thousand five hundred strong, he thought not fit to hazard the Emperours Army against such Numbers, and therefore keeping a mean betwixt a Fight and a Flight, he gave ground, and by degrees retired. Hereat the Enemy took such heart, that they pursued and stooped up the Passages so, that all the *Romans* had been lost; but that by an happy mistake the *Moors* took some of their own Country-men for a fresh Supply come in to *Theodosius*, because they saw some *Romans* at the Head of them. Affrighted hereat they fled, and opened the Passages in such manner that his Men escaped.

95. *Theodosius* made a safe Retreat to a place called *Murucanum*, where perceiving on what terms the matter stood, he resolved his business lay not in the Field at present, but that he must betake himself to the Arts and Stratagems of *Fabius Maximus*. He sent some that were expert in the Art of Persuasion, to draw the Neighbouring Nations into an Association, partly by good words and partly by threatenings; and herewith drew out the time in length, and broke them by delays, as *Pompey* overcame *Mithridates*. For *Firmus* sensible hereof, though he was sufficiently provided of Guards, yet quitted the Field, together with those Multitudes he had with charge and pains brought together; and taking opportunity of a still and dark night retired toward the Mountains *Capariensis*, at a great distance, and by reason of the craggy Rocks and Precipices, for the most part inaccessible. The Multitude amazed at his departure, and now without an Head, soon was scattered, by which means *Theodosius* seized upon his Camp, and when he had wasted the Country at his pleasure, set over the several parts thereof such Governors as he could trust. *Firmus* heard that he pursued him, and to escape his hands, with a few Servants made all the haste he could to be out of danger; for which purpose he cast away his most precious things he had brought along with him, that they might not hinder his Flight. But for all this the *Moors* rallied again, and

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and having possessed the Hills, took advantage of a Truce they had obtained of the General in his Return, to provide themselves of a great Supply of the neighbouring *Aethiopian*, who in such heaps rushed upon him, that he was again glad to retire, though his men struck their Bucklers against their Knees, and earnestly desired to try their Fortune with them. He went and took a Fort, where *Firmus* had bestowed the *Roman* Prisoners, whom setting at liberty, he punished those that had been the Betrayers and Keepers of them. Now he had Intelligence, that *Firmus* himself was fled into the Country of the *Isfenses*, whither therefore he resolved to pursue him, and he demanded him, together with his Brother *Mazaca* and others, to be given up into his hands. This they stoutly refused, and not only so, but very malapertly insulted with their numerous Forces, whom yet he ventured to engage; and that with such Success, that after a total Rout, though *Firmus* escaped very difficultly, yet was his Brother *Mazaca* taken Prisoner, and so dangerously wounded, that he died as soon as he was dressed. The General after this Victory thought fit to animadvert upon the *Isfenses*, whom he punished several ways. *Enasius* an Eminent Person amongst them, with *Flerus* his Son, and some others openly convicted to have sided with the Rebels, he caused to be burnt alive.

96. Yet did not this so much discourage *Firmus*, but being again fore pinched by *Theodosius*, he fled unto them for succour a second time; and *Igmazen* a King of those Tracts, very rich and potent, when the *Roman* General pursued him, bore himself very high and proudly against him in his behalf. For he made so far bold as to confront him, and demand what he was, and what his business was there. He answered, That he was an Officer of *Valentinian* the Lord of the World, sent thither by him to suppress a Robber or Thief, whom except he would speedily deliver up into his hands, he should utterly perish together with the Nation he ruled. *Igmazen* yet could not forbear Reviling him; and away he went in very great wrath. The next morning betimes he presented him with the fight of near twenty thousand men in a Front, behind whom stood great numbers of Auxiliaries, and amongst them were the *Jesseni*, though they had promised the *Romans* a supply both of Men and Victuals. The *Romans* were a small Company in comparison of them, but encouraged by former success, took good heart, and placing their Flanks close together, fitted their Targets in the same manner one to another and therewith making a kind of Rampart, stood their ground, and defended themselves. From morning to night the Fight lasted, and when it grew towards the evening *Firmus* appeared upon a tall Courser, and with a loud voice endeavoured to persuade the *Romans* to deliver up their General, who, he affirmed, ought to be abhorred by them as a Bloody Man. And though his words upon some had no other effect than to provoke them the more to fight, yet others thereupon left the Field. Therefore when it was dark, and there was no fighting, did *Theodosius* draw off to a Castle not far distant, where he mustered his Men, and such of them as Fear and the Words of *Firmus* had caused to quit their Stations, he punished several ways, some by cutting off their right hands, and others by burning them alive. Very careful he was all the night to secure himself against the Attempts of the Enemy, of whom those who adventured to set upon the Camp, he either forced to retreat, or took them Prisoners.

97. Thence with haste he departed, and fell upon the *Jesseni*; by such ways as they little expected, and having utterly wasted their Country, by the way of *Mauritania Caesariensis* he returned to *Sitifi*, where after great Tortures almost to death, he caused to be burnt *Caïor* and *Martinianus*, who had been great Assistants to *Romanus* in his Rapines. Not long after he turned his Arms again upon the *Isfenses*, and at the very first made great slaughter of them, which so disordered *Igmazen* the King, who had not been wont to be beaten, that considering in what danger his Affairs stood, and into what mischief he should force them if he continued obstinate, he secretly withdrew himself out of the Army, and humbly besought *Theodosius*, that *Malilla*, a principal man amongst the *Mazices*, might come to him. By him he held Correspondence with him, and advised him by frequent Skirmishes to tire out his *Isfenses*, so that he might more easily draw them off from the Interest of *Firmus*, to which they were very much inclined. The General observed his Directions, and by frequent Alarms so wearied them, that they ran away man by man, and *Firmus* having lurked here and there, when he considered how and whither to make his Escape, was stooped and secured by *Igmazen*. He now understood how matters had been carried by *Malilla*, and perceiving there was no hope of bet-

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Firinus driven to such frisks, that he hangs himself.

ter Fortune, he resolved to despise that Life which he could not secure, and therefore having drunk plenty of Wine, (a course often used by such as were resolved to lay violent hands upon themselves) when his Keepers were fast asleep, by reason they had taken as great a dose, he rose from his bed, and creeping on all four found a Cord, which happened to be ready for his purpose, and putting it upon a Nail that stuck in the Wall, therewith he hanged himself, to the great grief of *Agrippinus*: For he sorrowed much, that he was deprived of the glory of carrying him alive to the *Roman* Camp; but however resolving to make as much advantage as the occasion would permit, he laid the Body upon a Camel, and having got safe Conduct by means of *Malilla*, went and presented it to *Theodosius*, having shifed it to a Pack Horse. The General joyfully received it, and in a Triumphant manner returned to *Sitthis*, where he was solemnly and joyfully received by all sorts of People.

Theodosius after all his Services was put to death.

Valentinian disposes the *Quadi*.

Gabinus the King perfidiously murdered.

Thereupon they and other Nations break into the *Rour* Territories.

98. Such is the Account *Ammianus* gives us of the Arms of *Theodosius*, but what became of the General himself after his Victories he tells us not; either out of respect to his Son the Emperor, in whole time he wrote; or out of forgetfulness, or else the Copies we now use are defective. But what is omitted by him, or obliterated in his Books, we must by no means pass by, that this *Theodosius*, after all his brave Achievements in *Africa*, was upon the malicious Suggestions of certain Courtiers put to death, which he generously underwent; after he had (according to his own earnest desire) been baptized at *Carthage*. But this happened four or five years after, according to the course of the History we pursue, which, having in an uninterrupted Method delivered what we can lay of *Theodosius*, his Rebellion, brings us back to the Motions of the Northern Nations, upon account of which we said several Laws had been made. For whilst *Theodosius* was employed in *Africa*, the *Quadi* suddenly took Arms, a People at this time not much to be feared, but very formidable in former Ages; witness the Siege of *Agrippina*, carried on by them and the *Marcomanni*, the razing of *Opitergium*, and many other bloody Actions performed by them, to which with great difficulty a stop was put in *Diocletian's* days by *Marcius*, who to meet them brake through the *Julian Alps*. But at this time whereof we write, they had too great cause of complaint and quarrel. *Valentinian* from his very first coming to the Government, had burnt with a generous indeed, but extravagant desire of fortifying the Limits of the Empire. To this purpose he built Castles and Forts, as in other places, so beyond the River *Ister*, upon the very Lands of the *Quadi*, as if they had been under his own Dominion; at which they were very much discontented, and to remove the Eye-sore did what they could by Messages to hinder the Prosecution of his Design. But *Maximinus* that cruel Incendiary, of whom we have already too much spoken, being now advanced to the *Prefecture*, and transported partly by his Pride therewith, and his natural humour of Inciteering, by Letters rebuked *Agrippinus*, who was then *Magister Militum* in *Illyricum*, as a careless and improvident person, that the work was not performed; and he bragged, that if his little Son *Marcellianus* was but made a *Dux* in *Valeria*, the Fort would in a short time be finished. And his Son *Marcellianus* was accordingly advanced to that Command, and not at all degenerating from his Fathers high-flown Humour, renewed the Work, which for some time had been intermitted. Hereat *Gabinus* their King much concerned himself, and in modest terms desired, that no cause might be given of Jealousie and Discontent betwixt his People and the Subjects of the Empire. *Marcellianus* seemed to like well of what he urged and invited him with others to a Feast; but breaking all the Laws of Hospitality caused him to be made away ere he departed.

99. This put not only the *Quadi*, but all the neighbouring Nations into a mighty rage, who bewailing the Kings death fell speedily into the *Roman* Pale in the time of Harvest, and so unexpectedly attacked the Reapers, that they made great Slaughter of them; which done, they repaid the *Dumbe* with very large Booty. And it milled but little, that the Daughter of *Constantinus*, as she was at Dinner in those Quarters, being on her way in order to be married to *Gratian*, had been surprised by them; but *Missila* Governour of the Province attending her, in good time put her into a Chariot, and with all speed imaginable conveyed her to *Sirmium*, twenty six miles distant from that place. Here was now resident *Probus*, the *Prefectus Pretorio*, so much talked of, a man so little acquainted with the Attendants of War, that he was out of measure affrighted at the Slaughters and Rapines he now heard committed, and scarcely able to look up, prepared him swift Horses to make an Escape: But he was (though with much difficulty) prevailed with to stay; for

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Vide Valentinian's Epist.

Quid spero in Marcelliano, no deficiat puerum, &c.

## SECT. 2.

Probus the Prefectus Pretorio allows to fly forth his Sirmian.

The Enemy cast off two Legions.

Young Theodosius, Son to him lately mentioned, nobly defeats the free Sarmatae.

His overflows to an extraordinary proportion.

Valentinian reforms an Abuse in the Army concerning the Adversaries.

for they laid before him how upon his departure the whole Garrison would quit the place, which must thence necessarily fall into the Enemies hands. Since he could not without shame remove, he resolved to secure himself as well as he could by Fortifying the City. He foured the Ditches that were choked up, and being naturally given to Building, he repaired the Walls, which in so long a time of Peace, had been utterly neglected, and were run to ruin, defraying the Charges thereof out of the Money laid up for building of a Theatre. Besides this he seasonably sent for a Cohort of the *Sagittarii*, which lay in the very next Station, to assist in case of a Siege; which, the Barbarians duly considering all Circumstances, thought not fit to lay to the City. Their intent was to hunt and persecute *Agrippinus*, who (as their Intelligence gave them to understand) was the Contriver of *Gabinus* his Death; and they resolved to pursue him into the far distant Parts of *Valeria*. In their way they were encountered by the two Legions *Pannonia* and *Messauca*, both which made up a considerable Army, and such as had they been unanimous, would have proved invincible. But whereas Content and Union were the only means to make them Victorious, they fell into contention about Honour and Precedence, which the *Sarmatae* were not so dull but speedily to apprehend; and therefore without staying for the solemn sign of Battle, they first set upon the *Messauca* Legion, which so little expected any such matter, that very many of them were killed before they could buckle on their Armour. Animated by so great success, they then attacked the *Pannonian*, and putting it to the rout, destroyed all whom speedy flight had not conveyed beyond danger.

100. Whilst these Legions had through their own folly so ill success against some of the *Sarmatians*, the Army that fought under *Theodosius* the *Dux* of *Messia*, a very young man, (who afterward arrived at the Imperial Dignity) by the good Conduct of their General, whose Wisdom and Courage exceeded his Years, got notable Advantages against such of that Nation as were termed Free Men, (in opposition to the Slaves of whom we spoke formerly) who having invaded the *Roman* Pale, were often worsted by him; and though Numbers of them flocked about him, and imagined they should overpower him, yet still had he the better; and if you will have the Expression of *Ammianus*, so great a Slaughter he made, as therewith to satisfy the ravenous Appetites both of Birds and Beasts. The Barbarians then finding that no good was to be done, but that notwithstanding all their Attempts they were still beaten back, desired Peace; which having obtained, they for some time were kept in awe by a great supply of *Gallican* Souldiers, which were sent for defence of *Illyricum*. While these Disorders happened in the Northern Quarters, in the Southern little Disturbance was made, but by the River *Tiber*, which by reason of excessive Rains swelled to an extravagant proportion. All the lower parts of *Rome* it overwhelmed, while the Hills themselves seemed to apprehend a danger; to which the Inhabitants having fled, were thither pursued by Famine, and late enough rescued from its Violence by Provisions carried to them in Boats from the neighbouring Parts. This seasonable Supply doubtless they ought in himself in his place with great temper and serenity, and restored many things which had been by the force of Time brought into disuse. Amongst others he raised the *Porticus*, which had its name from *Good Event*, adjoining to a Temple so called in the North Region of the City, near to the Baths of *Agrippa*. Such is the continued series of these Affairs, as they are related by *Ammianus*, who hath herein transported us too far, for when the Commotions began in *Africa* about the Revolt of *Firinus*, *Ampelius* (as we said) or else *Bapo* was *Prefect* of *Rome*, and not *Claudius*, whose Government happened sometime after.

101. To resume therefore Civil Matters where we left them, when we began to speak of the *African* Wars, several other matters of consequence we find done this Year, as well by the one Brother as the other. *Valentinian* having a constant Eye upon the Northern Enemies, and for that purpose having employed *Severus* the *Magister Peditum* against *Macrianus* King of the *Alamanni*, found reason to reform an Abuse he perceived in his Army. There were those they called *Adversaries* in every Regiment, who (as we have already said) were Supernumerary Souldiers; or rather being lifted in the Army never fought, but were in readiness to succeed such Souldiers as died or were dismissed. Some of these were not as yet fully grown or fit to bear Arms, but were exercised by the Officers of the Camp, though others of them were able enough for Service, and both sorts were wont to be provided for at the Publick Charge. But the Emperor now, to save Char-

Lib. de re Militari, c. d. Pol. d. i. 1. Ab. d. c. d. 3. 3.

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Publishes a  
Constitution  
about the  
Place and Pre-  
cedence of his  
great Officers.

ges so ill bestowed upon unserviceable persons, by an Edict directed to *Severus* commands, That no Maintenance be allowed to the first or younger sort out of the Publick Stores, but that till they be able to bear Arms they be supplied with Necessaries by their Parents. While he lay at *Nafomacum* he directed a large Constitution to *Ampelius* the *Præfess* of *Rome*, concerning the Rank and Place of the greatest Officers. Thereby he declares the *Præfess* of the City, the *Præfess* of *Prætorio*, and a *Magister Militum* to be equal in Degree and Dignity; for as neither till now was the *Magister Militum* equal with the other two. But he now thought fit to confer on all the like Degree with this Caution, That after the Discharge of their Offices, and their returning to a Private Life, they should take place of one another according to their Seniority in their Employments, or the Dates of their Patents, like as they had done when they were in Power. This Rule he would have observed when they met upon the Bench of any Judge, when they satled the Governour of a Province, or at any ordinary Assemblies; but not in the Senate House, or at his Privy Council, where he would have the ancient Laws about Precedence to be in force. For, the *Honorati*, or those who had born Offices, were permitted to sit with the Judges of Provinces in their *Se-crestaria*, or places of Judicature, and to be present in the Senate and other Publick Meetings. And whereas *Valentinian* makes mention of other Rules of Precedence of ancient Date in the Senate House, but tells us not what they were; we may well believe that the Custom was for the *Præfess* of the City, and the *Præfess* of *Prætorio*, to take place in a Civil Assembly (as Civil Magistrates) of the *Magister Militum*; the *Præfess* of the City first, as the Head of the Senate in those days.

102. Such was the Order he would have observed amongst those great Officers of the City and Provinces. By another part of this Constitution he settles the matter of Precedence betwixt such as gave him their constant Attendance in the Palace, declaring that the *Questor*, the *Magister Officiorum*, and the two *Comites Largitionum*, should take place of *Proconfuls*, which till the making of this Law they had not done. In the third place he provides, that the *Magistri Scriniarum* (viz. the *Magistri Memoria, Epistolatum, and Libellorum*, to whom afterward was added the *Magister Dispositionum*) should precede all *Vicars* of *Præfess*, a Privilege which had not formerly belonged to them, which equalled them with *Proconfuls* and Governours of Provinces, above whom shortly after they were allowed to advance. And whereas there were many deserving Commanders in his Armies, who being as it were the Deputies of the *Magistri Militum*, were termed *Comites Rei Militaris*, and appointed to defend some particular Provinces of the Empire. Such of these Persons as had been so employed in Parts beyond the Seas, (by which was to be understood in this Age the Provinces of *Africa* in respect to *Italy* and *Rome* especially; and also these Provinces of *Britain*) and had already obtained to be *Comites* of the first Rank, should take place next to or near *Proconfuls*. It was thought to be a matter of greatest Merit to have commanded Armies in places that were barren, dry, difficult of Access, and far separated from any Succour; for even such as had been sent on a Meslage to the Emperour from beyond the Seas, were excused from Duties for two years space. These *Comites* in particular were he of *Africa*, as lately *Romanus*, the other of *Tingitana*, of *Britain*, and of the *Litus Saxonicum*, or *Saxon* Shore here in this Island. These often were advanced to be *Magistri Militum*, but by no means are to be confounded with them, who by Dignity were *Illustrious*; for they were subject to their Command as well as the other *Comites Rei Militaris* of the Provinces, whom they only excelled in having none of them obtained to be *Comites* of the first Rank, but still by Dignity were but *Speciales*. In the last place the Emperour Ordains, That such as by Codicils or Letters had obtained the Titular Dignity of *Magistri Equitum*, should in like manner be inferior to such as were practically, or by Office *Proconfuls*, the Dignity of whom was very great. These are the several parts of this Constitution directed to *Ampelius*, at whose instance it seems to have been made, for he himself passed through most of these Employments.

Valens pro-  
vides for the  
Citizens of  
Constantinople  
in several re-  
spects.

103. As *Valentinian* provided for the Dignity and Precedence of his principal Officers, so this same year did his Brother *Valens* much consult the Encouragement and Advantage of the Citizens of *Constantinople*, and that various ways by one and the same Constitution, (though divided now into several Laws) directed to *Clearchus* the *Præfess* of that City. In the first part thereof he provides, That none

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L. 1. de Præfess  
Præf. P. 10.  
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Præf. P. 10.

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Præf. P. 10.

L. 1. de Præfess  
Præf. P. 10.  
L. 1. de Præfess  
Præf. P. 10.

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should sell the *Annua Croica*, or the share of the Publick Bread, but it should be come void by such Sale, and some other of the same Rank be capable of having that Allowance, not those of any other Rank: For whereas there were three several sorts of Men that had this Allowance, viz. those called *Populares*, or of the People, *Militares*, or Souldiers, and *Palatini* or such as served the Emperour in his Palace, he forbids that any Constitution be made by the Affignation of what belong to one sort to another. Hereby he consulted for the Maintenance of the Inhabitants, that the Publick Allowance should not be appropriated to one unit or unserving Person: And he further took care for the Improvement of their Knowledge and Ornament of their Minds. Near twenty years before, *Constantinus* had erected a Publick Library in this City, and appointed a Keeper or *Curator* of it, with some under Officers and a Publick Stipend; for which he is much commended by *Theophilus*. But further by this Constitution *Valens* appoints to the well ordering and management of it several others by the name of *Antiquaries*, for the making up of new Books, and mending of the old. Of these four were to be *Greeks*, and three that spoke and wrote in the *Latin* Tongue; the greater number of the first kind, because *Greek* was the Language of the place, and there were more Books composed in that than in the other. And for their Maintenance he assigns them a Portion of the *Popularis Annua*, which was taken back to the publick Granaries by the death of the former Possessors, or any other voidance; forasmuch as he says that they also had Title to it, being of the Body of the People. Further, for the better keeping of the said Library he Ordains, That there be appointed to that Charge other under Officers by the name of *Conditioners*, so called as others were, for that by reason of their Condition they were subject to Questions and Tortures. In the last place, as for the Maintenance and Studies of the Inhabitants of this City, so he provides for their Pleasure and Recreation: Whereas heretofore the *Prætors* had observed no certain day for entering their Office, and celebrating the usual Games, but were wont to shift it off from one time to another; he ordains expressly, That *That Years Day*, or the *Calends of January*, shall be the Day to be observed by them all first, upon pain of forfeiting half as much more as the Charge of the *Palatines* they were to be at. He might think them the more obliged to do this, because scarcely a month before for their Encouragement he had ordered, That out of his own Stables four and twenty Horses should be lent to those two of them, who were at the greatest Expence for exhibiting their *Curule Games*. About four months after in this same Year his Brother *Valentinian* published an Edict, for the search after such as absented themselves by reason of the Expence, and the lessening of the Charge; requiring that the Senate, which had petitioned him in this matter, should report to him the Wealth and Sufficiency of each person chosen to that Office, that he might determine of it according to the Ability of the Party.

Is indulgent  
to the Navi-  
cularii.

104. As *Valens* found reason to be indulgent towards the Inhabitants of *Constantinople*, so also to give relief to the Body of the *Navicularii*, who brought, through their Provisions, in case a Shipwreck happened without their fault: In such a case the *Navicularius* is required to betake himself immediately to the Judge of the Province, where the matter was in Controversie, and there prove the Shipwreck before him by Witnesses, whether Strangers that saw the Misfortune, or by Mariners, who were subject to Examination. Then was a Report thereof to be made to the *Præfess* of *Prætorio*, particularly to *Modestus* of the East, to whom this Law is directed; but the business to be transacted within the space of one Year, which was thought large enough for Ships that sailed from *Syria Phœnice* or *Syria Cæle*. For, this Law was published at *Berytus*, a most Eminent City of the former in other respects, and for that a very rich Trade was driven from hence of very choice Merchandise sent to the Court, as of Purple, Silks, and other things; so that though *Tyre* was now the chief City and Seat of the *Confulars*, yet were Laws sent thither to be published: And at this time *Valens* lay at *Antioch* in *Syria Cæle*, or at *Seleucia*, not far distant from it. Thus we see how indulgent *Valens* was at this time to several sorts of his Subjects, but in the mean time he forgot not the publick Revenue, and Service due to the Commonwealth. For not long after was another Edict published at *Berytus*, from him directed to *Leontius* the *Confularis* of *Phœnice*, requiring that all Merchants whatsoever should pay the Gold or *Lustrum* *is Collatio*, as well such as traded in Purple as others; giving this reason, that Immunities granted to some persons were injurious to the People in general. Now so great was the esteem of Purple, and those other sorts of Wares, that it procured to the

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L. 1. de Præfess  
Præf. P. 10.  
L. 1. de Præfess  
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Præf. P. 10.

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Præf. P. 10.

Secl.2. Merchants as considerable Privileges; which now *Valens* thought fit to recall, and by two other Laws under severe Penalties he forbade at the same time private persons to entertain or conceal such as wore or made up the Clothes that were provided for his Souldiers.

The fourth Consulship of *Valentinian* and *Valens*.

105. The next Year, which was the CCLXXIII of our Lord, had for Consuls *Valentinian* and *Valens* the fourth time; it being the tenth of their Reign. *Valentinian* seems to have resided at *Milan*, and *Valens* at *Constantinople*. While the such Mischiefs happened as followed the Death of the King of *Quadi*, slain by the Treachery of the *Roman* Captain, another Disaster fell out in the East, occasioned by the Treacherous Murder also of *Paras* the King of *Armenia*. There were some turbulent Persons, amongst whom one *Terentius*, a *Dux* of the neighbouring Parts, who never ceased to write to the Court strange things against him, though he was now arrived at Mans Estate, and still inculcating the Death of *Cylix* and *Arta*, *banner*, affirmed him insolent and a great Oppressor of the People. Hereupon, as designing strange matters in his Head, he was invited to *Tarfe* in *Cilicia*, and being there received in an Honourable manner befitting his Dignity, was kept so otherwife than a Prisoner. When he perceived he was neither permitted to go to *Valens*, nor could learn from any the cause of his Retraint, it made him very solicitous and inquisitive; and at length he discovered by some secret Intelligence, that *Terentius* had written to the *Roman* Commander to dispatch away some other person into *Armenia*, to be King in his stead; left he going back into his Countrey, should out of indignation conceived for his ill usage, withdraw himself and that Countrey, from the Empire to the Alliance of the *Persians*. Hereupon concluding with himself that his Destruction was near at hand, except he evaded it by sudden flight, he resolved with three hundred trusty men, who had attended him out of *Armenia*, to force his passage and be gone; and having very swift Horses, when the day was almost spent they made their Attempt, with more Courage than Consideration. The Governour of the Province, stirred up by his *Apparition*, that had Charge of the Gate, overtook him in the Suburbs, and would have persuaded him to return; but out of fear of his own life, was glad to break off his Discourse, so vehemently was *Paras* bent upon it. Neither had a Legion better success that was sent after him, against which he turned and made head, and so terrified both *Fur* and Souldiers, that they made more haste back than they had used in the pursuit. He was now much delivered of his Fears, but for all that made what speed he could, and in two days and as many nights reached *Ephrates*; which being at a great loss how to pass, at length he and some few made a shift by Barrels joyned together to get to the other Bank, and the rest swam over as well as they could, and after endeavouring to reach the place they designed. In the mean time *Valens* had notice of his Escape, and taking it for granted that he would renounce the Alliance, dispatched with a thousand Archers and other light armed men, *Daniel* and *Barzimeres*, whereof the first bore the Dignity of *Comes*, and the other held the place of Tribune of the *Scutarii*. They knew the Countrey very well, through which he passed altogether a stranger, and by more compendious ways overtook him, and dividing their Forces seized upon two Paths lying at three miles distance, by one of which he was to pass: But a Traveller, who coming this way had discovered the Ambushes laid to intrap him, taking another cross way, made known to him the danger, and lead him through that woody place to the common Road, by which he got safe to *Armenia*, where he was not a little joyfully received. But *Daniel* and *Barzimeres*, who had been sent to hunt him, were as much scorned and derided for having thus missed of their Prey; which so greatly affected them, that to make some amends for their supposed Stupidities or Treachery, they cast about how they might some other way destroy *Paras*; and to this purpose thought best to make use of the Credulous Humour of the Emperor, whom they made to believe that he was very expert in Enchantments, and knew thereby how to waste and debilitate a mans Body insensibly, which he easily applied to his own Person. And hereupon he conceived implacable malice towards him, and consulted daily with them or others how his Destruction might be brought about, either in a publick or private manner. At last, private Orders were sent to *Trajan*, who in *Armenia* commanded the *Roman* Forces, to accomplish it as well as he could; and he managed the matter with such cunning, by insinuating himself into his Company, frequenting his Table, and by presenting him with kind Letters from *Valens*, that he prevailed with him to accept of a Dinner at his House. An extraordinary Entertainment there was made, no want of any thing that might provoke him to eat and drink to such a pitch, as would give

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Leod. de  
Mortificatione,  
Cod. Theod. to.  
tit. 20. c. 4. ad.  
Epist. 5. sed.  
tit.

A.D.

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Valentinian  
anno & Valens  
anno A. 44  
Cof.

Amian. l. 30.

Secl.2.

Pars King of

Armenia being

murthered.

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give the Entertainer most fit Opportunity to bring about his Design, who withdrawing from the Table as forced by some necessary occasion, sent in a Fellow providing for the purpose, who cut the poor Prince in pieces, as he vainly endeavoured to defend himself. Thus the Table which (as our Writer observes) was laid and intimate upon the very *Euxine* Sea, was made a Snare to him; which thing *Fabritius Luscinius* (he who rejected the Offers of *Timochares*, or (as some wrote) of *Nicias* the Servant of King *Pyrrhus*, who offered to poison his Master) if dead men have any sense of Humane Affairs, could not but bewail.

106. *Valens* with all good men suffered loss of Reputation by so unworthy an act; and yet *Sapor* the King of *Persia* was very much afflicted upon the Report of it, conceiving he had lost a great Opportunity of strengthening his Interest by the Accession of so considerable a Friend, as before this he doubted not but *Paras* would prove. But the *Roman* Army in these Quarters taking more Courage at what had happened, he thought it best to send one *Aspases* on a Message to the Emperor, to persuade him to ruin the last Agreement, which had been the cause of so much mischief, or else to give way that the Division of *Hiberia* might not be observed hereafter; but the *Roman* Garrisons removed, and that *Aspases*, whom he had preferred, might be suffered to reign over the *Armenians*. To this *Valens* answered, that he was resolved to stand to the last Agreement, and maintain that Treaty to the utmost. And *Sapor* made a Reply, but when Winter was now almost spent, and that founded upon light and frivolous pretences; for he affirmed the Controversie could not fully be decided, but by the Intervention of those who were employed by *Jovian* at that Treaty, some of whom he certainly knew to be dead. The Emperor upon this Message thought fit to send away *Visior* the *Magister Equitum*, and *Urbicius* the *Dux* of *Mesopotamia*, towards *Persia*, to desire, that, as he pretended he would be content with his own Dominions, and suffer *Armenia* to be at its own liberty; and to assure him, that except he would suffer his men to pass up and down as they ought, he would enter into such a course as he was very unwilling to be forced to do. These Instructions were good enough, had the Embassadors kept close to them; but herein they were overzealous, that they accepted of some small Territories in *Armenia*, which were offered to them, without any Warrant so to do; and not having any other thing effected, they returned home. After them was sent the *Surenas*, the second in place from the King, whose Offers were rejected though he himself was magnificently entertained; and then were great Preparations made, that *Valens* in Spring might with three Armies invade *Persia*; to which end he sent to purchase the Assistance of the Northern Nations. *Sapor* thus frustrated of his hope, was exasperated above measure; but concealing his Indignation, when he perceived the Emperor to be Arming, he ordered the *Surenas* to reduce what had been gotten by *Visior* the *Comes*, and *Urbicius*; and to cut off if possible those Souldiers which were appointed to the Defence of a place called *Sawomaces*, which things took effect and were not to be cured; the *Goths* at this time striking a terror into those who steered the Helm of the Empire. While these things happened in the East, Vindicative Justice (as *Amianus* observes) concerned it self for what Villanies had been committed in *Africa*, in relation to the Affairs of *Tripolis* lately related. Now was *Remigius*, who so favoured and assisted *Romanus* in his extravagant acts committed in that Province, reduced to a private life, after that *Leo* was made *Magister Officiorum* in his stead, and was intent upon his Countrey Concernments about *Mogontiacum* or *Metz*, where he was born. Being thus reduced, *Maximinus* now advanced to be *Præfatus Praetorio* despised him, and making it his business to do mischief, laid hold on one *Cesarus* who had been his Domestick, and afterward came to be Notary to the Prince, and tortured him to make him confess what *Remigius* did, or how much he received to be assistant to *Romanus* in his cruel Practices. *Remigius* having notice hereof, being pursued by an evil Conscience, or overcome by fear, to prevent all other Inconveniences, hanged himself.

107. *Valens*, however he dealt with the *Armenian Paras*, yet by several Laws at this very time, took care that his Subjects should not, by any slight, or other indirect course, be deprived of their Lives or Estates. Therefore in case of Appeal he required that the whole Process containing Evidences or Instruments, Acts of Court, Testimonies, Confessions, and all other things transacted in Judgment, should be transmitted to him, when he himself was the *Judex ad quem*. More- over he ordained, that none should be convened or judged out of his own Province, which must be understood when there was to be had; otherwife the

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Judge of one Province might send to another to seize and remit a Criminal, which had fled out of his Jurisdiction, as is evident by many Laws. But whereas by the old Law had been provided, That when one person accused another of any Crime, he was to write down his own Name, and at his peril undertake to prosecute or make good his Charge; this either through the Negligence, or Cruelty of the ordinary Judges was at this time much neglected. He thought therefore to reinforce that Law by another Edict, by which he declares, That whosoever brings into question and danger, the Fame, Fortunes, Life, and Blood of another Person, must expect the Punishment due to the Crime which he cannot prove. And yet further against Defamations he declares to be in force not only the old Laws, (as the *Edictum perpetuum de Calumniatoribus*, the *Lex Cornelia de Injuris*, and others) but also later Constitutions of Princes. In this same Edict he provides against rash Accusations, by pressing, that no Accuser is to be heard without entering his Name, and taking the thing upon himself; as was lately said. But especially he condemns *Libels*, or Accusations having no Name of Author affixed to them. Whatever his Practice was, such were his Laws, and agreeable to them his Prosecution made to the Senate of *Constantinople*, and mentioned by *Theodoret*, that the Commonwealth laboured under a greater Burthen when oppressed by Calumniators, than when overpowered by Barbarians. In reference to the renewing of Appeals he also ordained, That the Party should do it within three months, and thereof give notice to his Adversary.

108. *Valentinian* this Year further concerned himself about the *Pretorship*, that chargeable and troublesome Office incumbent upon Senators. He commands the *Pretor* to be named ten years before he should come to the Charge, as the Custom formerly had been; and that within five months after he should be informed of his Nomination by the Officers of the *Præfess* of the City, under pain of forfeiting ten Pounds of Gold. Having had notice he allows him seven months to deliberate whether he shall accept of the Burthen or make his Excuse; so that from the Designation to the Notification and Excuse an whole Year should intervene, the usual fatal term (as it is styled) of Excuses in Civil Matters. Of such Excuses the *Præfess* of the City must have Cognizance; and a select number of Senators, in which none must be reckoned who had given their Vote for the Election of the Party, it being presumed that they might desire and endeavour to confirm what they themselves had done. These Judges he severely charges to admit no frivolous Excuses, nor any unreasonable Proposals on either side, on pain of being esteemed and declared public Enemies, for having thereby dishonoured that sublime Body of the Senate. Him that unjustly excused himself he will have, as unworthy of the Honour, to be incapable of the *Pretorship*, besides a Mult imposed upon him if his fault was great; otherwise if but small, he shall be constrained to accept the Charge. If he had a just and fair Plea, he excuses him from the Burthen; as by another Law, (which seems but a part of one and the same Constitution) all those who for their Merit had obtained the Dignity of *Consul* or *Præfess* *Prætorio* by Coticils or Letters Patents. This very Year *Gabriel* thinks *Volusianus* to have been *Præfess* of *Rome*, and therefore draws back those Laws, which in the old Chronology of *Theodosius* his Code are said to have been directed to him in the CCLXV Year of our Lord, and the second of *Valentinian*, to that whereof we now write. For in that Year was *Symmachus* *Præfess* of the City; and *Amianus Marcellinus* writing of the *Præfess* which were in the time of *Valentinian*, after *Apronianus*, reckons them in this order, *Symmachus*, *Lampadius*, *Joventius*, *Prætextatus*, *Olybrius*, and then *Amplius*; so that *Volusianus* must have born the Office after all the rest. The first of the Laws drawn back to this Year, and directed to him, is concerning the *Pretors* also, for renewing one formerly made by *Constantine*, whereby was ordained, That if such as were to celebrate the usual Games absented themselves, according to the Degree of their Dignity, they should be condemned to pay a certain quantity of Wheat. This he declares shall continue fixed and inviolable, although it was often changed, abolished, and restored. The Mult imposed by *Constantine* was the Payment of Fifty thousand *Modii*, from which he excepted those that were under the Age of sixteen years; and sometimes distinguished *Questors* from *Consuls* and *Pretors*, as *Valentinian* by this his Confirmation excepts those to whom he himself had given Licence to be absent; as by another Law thought to be part of this very Constitution, the *Palatini* or principal Officers in his Palace.

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L. 10, 11, de  
Accusationibus  
et Inscriptis  
lib. 10, tit. 1.L. 8, de famo  
libello, cod. 1.  
L. 1, de famo  
libello, cod. 1.  
L. 1, de famo  
libello, cod. 1.L. 22, de Pre  
toribus, etc.  
cod. 70.Tirinius se  
talis.L. 23, quibus  
lib. 10, tit. 1.in chron. ti  
torio ad an  
573.L. 1, de Pre  
toribus, etc.  
cod. 70.L. 29, de Divi  
nitibus, cod.  
10, tit. 1.

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109. Other Laws there are still extant directed to this *Volusianus*, whereof some appertain to the *Jus privatum*, and regulate the way of Proceedings in Suits, and are not so proper for our Cognizance. Another there is which assigns the manner and measure of finding Lime both to the Inhabitants of *Campania* and *Tuscia*. *Constantinus* had formerly by his Edict allowed to the Burners of Lime a certain quantity of Wine, viz. an *Amphora* for every three *Vebes*, and as much to the Carriers or Conveyers of it for every nine hundred pounds weight, paid by the Possessors of such Grounds, as were obnoxious to this Imposition. But *Valentinian* now thought fit to change this Wine for Money, allowing for every *Vebis* one *Solidus*, and that not all to be born by the Possessors of the Lands, but a third part by them, and a fourth by the *Arca Vinaria*, of which we have spoken herebefore. Such Provinces of Italy as abounded in good Wines were obliged to afford Wine to the City of *Rome*, and *Campania* with the chief, which is much celebrated by Poets in that respect, as well as by other Writers. And *Tuscia* also was comprised in the number. But whereas heretofore those Possessions of such obnoxious Lands were very much oppressed by the ordinary Judges and their Officers, who assumed the Power of Exacting of them Wine for as great a quantity of Lime as they pleased; the Emperor opposeth this Grievance by limiting what they were to find to three thousand of the lesser sort of *Vebes*. And in the third place he allots this Allowance to its several Issues or Receipts, viz. to the maintenance of the Aqueducts one half or fifteen hundred *Vebes*, (so great care there was at this time and ever had of them) and the other half to the publick Works of the City. But out of this Allowance he excepts that which was wont to be made by *Terracina*, or that which the Ancients called *Ancora*, the Hill whereof, on which it stood, had a great Quarry of that Stone, of which Lime was wont to be made, and appropriated to the repairing of the Haven and Watch-Tower or *Pharus* of *Holstia*. For the Emperor *Claudius*, to encourage Navigation, built there a most stately Tower, in imitation of that of *Alexandria*, on which he ordained Lights to be constantly kept by night; besides a most large Haven for the Reception of all sorts of Vessels, which *Pharus* was afterward repaired by *Antoninus Pius*, and both of them had not only such a quantity of Lime appointed to the Repairing of them, but a Company or Body of Artificers, and an Apparitor or Overseer sent from the *Præfess* of the City, as is rationally conjectured. In the next place he pardons to the *Decuriones* of *Tuscia* no less than nine hundred *Vebes* of Lime which they were wont yearly to pay; for this Burthen had lain upon them as several others did upon the *Curiales*, or the Senators of Cities or Corporations. But with this condition, on heremits it, that if afterward there happen to be any necessity for raising some publick Work, upon notice given to him thereof by the *Consulares*, he shall determine how much Lime they shall find for the effecting of it; from which is collected, that *Tuscia* of old did not contribute this Stone for the use of the City, but for the Works which were raised within its own Towns, at the discretion of its peculiar Governours called *Consulares* *Tuscia*. Another Edict we find inscribed in like manner to this *Volusianus*, out of respect to the *Præfess* *Prætorio*, by which Title he is styled in the same Inscription: It declares, That if any one having been cast by the Sentence and Judgement of the *Præfess*, had thought fit to supplicate the Prince, in case he was then also overthrown, there should be no more place for Supplication for the same matter or cause. For such was the Dignity of this great Officer, that out of respect to his high Condition no Appeal lay from him, but for Honours sake it was called a *Supplication*. The last Law that bears his Name is by Title of *Præfess* of the City, as indeed he was, occasioned it seems by a Difference betwixt him and the *Præfess* *Amone*, concerning the Management of Corn. The Emperor declares, That the Care thereof be incumbent on them both, that so the one *Præfess* be not defrauded of his due; nor yet the Power of the other be abridged, but to that end that the Inferiour acknowledge the Preheminence of the Superiour, and the Superiour own what belongs to the others Employment.

The third  
Consulship  
of Gratian  
with  
Equitius.

110. For the CCLXXIV Year of our Lord, *Gratian* the young Emperor, the third time, with *Equitius* bore the Name of *Consul*. *Maximianus* from *Præfess* *Amone* had ere this been advanced to be *Præfess* *Prætorio*; *Eupraxinus* was at this time *Præfess* of *Rome*, having formerly executed the several Offices of *Magister Memoria* and of *Questor*, and toward the later end of the Year was succeeded by *Claudius*; and of the same City *Simplicius* was *Vicar*, *Valentinian* was now builied in raising a Fort near *Basil*, (by the Inhabitants of those Parts called *Robur*) after

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Sect. 2.

The Barbarians invade Nigricum.

after he had wasted the Territories of the *Allemans*, when News was brought from *Probus* the *Præfēt*, that the Barbarians had invaded *Nigricum*. This he would not easily believe, but to fetch a true account of the business, he dispatched away one *Paternianus* a Notary, by whom being informed that the Barbarians had indeed broken into the *Roman* Pale, he fully resolved by all means, and all speed he could make, to chastize their Insolence, not doubting but to drive them back by the very appearance of his Army. But ere all this was known and resolved, Autumn was already spent, and besides the season of the Year, several other Reasons there were to persuade him to stop his Journey; which those about him (though with extraordinary difficulty) did so much improve, that overcome therewith he put off his Expedition to the following Year. The greatest Argument used was the necessity of opposing *Macrianus* the King, who added to much Courage and Resolution to the innate Ferocity of his Nation, that nothing seemed strong enough to withstand his Attempts. Therefore did the Emperor remove from *Milan* near to *Mentis*, whether the proud King also came to an Interview with him upon the River *Rhine*, and it had so good success, that a Peace was agreed and sworn to, which *Macrianus* kept inviolable to his Death, and died at last in *France*; for having invaded it with all sorts of Hostility, he was circumvented by the Wiles of *Mellobander*, a warlike King of that Country, and slain. This Peace thus established, *Ammianus* brings *Valentinian* into his Winter Quarters at *Triers*, and there leaving him visits the Court of his Brother *Valens* in the East, where he finds all out of order. This Prince, as he was by nature very rigid, delighted in hearing Causes; that he might shew his Severity upon such as he should find to be in the wrong. But his Courtiers concluding that their Trade would be spoiled, through that light he would receive by the Advocates, used their utmost endeavours to dissuade him from that practice, as a thing infinitely below him. And they found *Modestus* his *Præfēt* *Pretorio*, a Clown nothing vers'd in Antiquity, but perfectly a Slave to the Court Eunuchs, to be fully compliant with them, who would always tell him, that it was below his Majesty to condescend to hear such frivolous matters. This *Modestus* was that *Domitius Modestus*, who had formerly in the Reign of *Constantinus* been *Comes* of the East, and when *Julian* came to the Government, was accused as having too much defended his Cause. But this Emperor being come into the Eastern Provinces, he feigned himself a Pagan, and thereby not only appeased his Anger, but obtained to be *Præfēt* of *Constantinople*, which Office he again executed when *Valentinianus Nobilissimus Puer* and *Vicor* were Consuls, in the sixth year of this Emperor *Valentinian*, wherein he finished a most magnificent Cistern in that City, which he had begun in his first *Præfētship*, and from him being placed in the eleventh Region thereof, it had the Name of *Modestiana*. We have already spoken of his egregious Flatteries, and not likely to hear more of him, we further add, that he had a Son by name *Instantinus*, who also attained to be *Comes* of the East.

Great Corruption in the Courts at Constantinople.

III. Hereby it came to pass, that both Judges and Advocates did what they listed, and made a Market of all mens businesses, delegating them to unfit persons, as their Interest and Profit suggested to them. And here our Historian falls into a great and long Invective against the Advocates or Orators of this time, for their Rapacity, Ignorance, and Impudence thereupon commonly following; and the more to set them out he compares them with those of the *Greeks* and *Romans* in former Ages: And though he makes them as bad as bad can be, yet that he is not therein very extravagant, or acted wholly by Malice and Prejudice, some Laws made at this time sufficiently convince us, which by prescribing the Remedy, do to understanding persons sufficiently make out the Diffemper. For these very Emperors by several Edicts thought fit to ordain, That no man should be Judge and Advocate, both, in the same Cause, that they should not break forth into opprobrious Language, for which they are so severely taxed by *Ammianus*; neither make any Contract before hand with their Clients, nor refuse such Fees as they thought fit freely to give them; that they should not industriously protract Justice; that the *Honorati*, or such as had born Offices, exercising the Function of Advocates at *Rome*, should thereby receive no Benefit or Reward, nor sit on the Bench with the Judges, but in the place we have formerly said to belong to them, or stand as Advocates were wont to do. But *Valentinian* concerned himself not only in matters relating to Civil, but to Military Concernments also; for at the Suggestion of *Probus* the *Præfēt* *Pretorio* he ordered, That when there was a necessity for some new Work to be raised, if the third part belonging to the City

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Perit autem in Francia publici, &amp;c. Ammian. lib. 31. c. 1.

Vide Valentinian in Annal. de Ammian. lib. 30.

Vide L. 2. de postulando. Cod. Thod. lib. 10. cum Con. Gratian. &amp; L. 5. Cod. Just. lib. 1. c. 1.

L. 18. de Opibus publicis. Cod. Thod. lib. 1. c. 1. de Just. c. 1.

Sect. 2.

Valentinian orders one City to assist another.

Forbids the Killings

And the Expelling of Infants.

Severe against such as harboured Thieves.

Indulgent to Painters in an high measure.

concerned could do it, it should be lawful to make up the Summe out of the Revenues appropriate of other Cities. For Cities or Corporations had certain Revenues appropriate to them, and particularly Tributes or Tolls; and of these Revenues part was Lawdained for Maintenance of publick Works, as a third by *Valentinian* in this Law whereof now we speak; to which Service certain Lands were defined or appropriate. In like manner by the ancient Canons and Ecclesiastical Laws, of the Revenues belonging to Churches, four parts or portions were made; whereof one was assigned to the Bishop for support of his Dignity; a second to the Priests, Deacons, and Clergy; a third to the Reparation of Churches; and a fourth to the Relief of the Poor, Infirm, or Strangers. Which Assignations were also made by the Laws of the *Lombards*.

112. To *Probus* he gave out another Edict not long after, for clearing a Doubt concerning the Punishment of a notorious Crime, but too frequent in those days: It had been the Opinion generally both of Heathen and Christian Writers, that it was a Sin to kill Infants, although by reason of a depraved Custom in some places they were scarcely reckoned amongst Mankind, before they were delivered to Nurses. But however the Punishment due to the Offence was uncertain, the Offenders being most commonly but banished; till *Valentinian* now thought fit by this Edict to make it no less than Capital, as esteeming it altogether a Pious Crime. The Law was propounded at *Rome*, and is rationally thought intended chiefly against the Practice of Strumpets, which too ordinarily made away their Bastard Children, both then and in all Ages besides. But as our Emperor thought fit to prohibit the Murdering of Children, so also the Exposing of them, by another Constitution, which commands each Parent to take care of his own Issue, under pain of undergoing what the Law imposeth in that case; and if the Lords or Patrons of any Children did so expose them, he declares them thereby freed from the Dominion of such Lords, and to belong to those who had taken Compassion of them in so great misery. So frequently were Robberies now committed about *Rome*, and chiefly by reason of the harbour and retreat they had to several places in the Country, that upon the Relation of the matter by *Simplicius* the *Vicar* of the City, *Valentinian* by his Rescript thought fit to declare, That whosoever received and concealed a Malefactor, should be liable to the same Pains and Forfeitures, as the Criminal himself ought by the Law to undergo. As he was severe against Malefactors, so his Somer as indulgent towards Painters, to the Art of whom he naturally bore a great Affection, and which had in all Ages indeed, wherein Barbarism did not prevail, been much prized; so that the former *Roman* Laws gave to men of this Profession Immunity from all Services. But their Privileges he enlarged now by a Constitution directed to *Chilo* the *Proconsul* of *Africa*, That no fewer than nine several Immunities he conferred on them, whereof the first freed them from the *Capitatio*, or Paying for the Heads both of themselves, their Wives, and Children. And whereas in the ordinary *Census* or Tax, Lords were wont to pay for their Slaves, but especially for such as were Barbarians, or not born within the *Roman* Pale; he also discharges Painters of that Burthen, as to this particular.

113. Moreover for such Pictures as they made themselves, though they trafficked with them, he would not have them pay the *Lastralis Collatio* or Imposition on Merchandize, as they were obliged for what they bought to sell again. And whereas there were certain *Peripule* or Shops belonging to the Publick, where Wares were exposed to sale, and Professors of the Liberal Arts were wont to teach for Reward, (till *Theodosius* the Younger took away the Custom, that the Publick Professors in the Capitol might have more Encouragement) he ordains, That Painters should have the use of them Rent-free. Neither will he have them obnoxious to the *Metatus*, or harbouring any Soldiers or others against their will, which Privilege was also allowed to Physicians and Professors; but he also exempts them from the Jurisdiction of the *Pedanei Judices*, or inferior Judges, thereby granting Authority over them only to the Governours of Provinces or *Vicars*, which Immunity is singular, and not to be found granted to any other sort of men. In like manner was it not indulged to others, to remove and change their Habitations when, and as oft as they pleased; which yet he permits his Painters to do. He also discharges them from Services by Horfes and otherwise. And in the last place he permits not the Judges to constrain them to draw the Pictures of the Emperours themselves without Wages or Reward: From which we may learn, that the Governours of Provinces were wont unjustly to exact, as

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L. 1. ad legem Servilium de Sacerdot. Cod. Thod. lib. 1. c. 1. &amp; L. 8. Cod. Just. lib. 1. c. 1. de man. disp. 1.

L. 1. de his qui latrones. Cod. Thod. lib. 1. c. 1.

L. ult. de Exco. cationibus. Cod. Thod. lib. 1. c. 1. de Abj. Cod. Just.





Sect.2. that Exclamation and Fury, upon seeing the said Ambassadors to be of vile and abject Condition, and that he demanded whether the rest of the *Sarmatæ* were such men as they. They answered that they were; for he had now before him those of his highest Quality of that Nation; whereat he was wonderfully incensed and brake out into a vehement Indignation, that the Empire of *Rome* should have to ill luck as to fall into his Hands; during whose Government he beggarly and base a sort of Barbarians could not content themselves to live quietly within their own Bounds; but must Rebel, take Armes, and so boldly make War against it. He strained himself so much in declaiming against them that, as he says, he opened every Vein in his Body, and brake the Arteries asunder, out of which issued so large a Stream of Blood that he died in the Castle commonly called *Bergitium*.

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A short Account of his Government.

120. His Fathers Name (as we hinted before) was one *Gratian*, who had the Sirname of *Funarius*, because he was so strong in his Arms that five Souldiers could not wrest a Rope from him. This *Gratian* being for his strength taken notice of, was preferred, and by degrees arose to the Dignity of *Protector* and of *Tribune*, and at last came to be *Comes rei Castrens* in *Africa*; where being suspected of Rapine he gave over his Employment, and long after had the same Command over the *British* Army. At length being dismissed without any thing laid to his charge, he returned to a Private Life, and was afterward heavily fined by *Constantius*, for that during the Civil War he was said to have entertained *Magnentius* in his Passage. *Valentinian* his Son having the advantage of his Interest and Repute in the world, improved it sufficiently by his own Merits till he arrived at the highest Dignity upon Earth; and thereto had the opportunity also of raising his Brother, with whom he reigned in perfect Concord. In his Government the first thing he applied himself to was the care and defence of the Borders, of the Forts and Castles standing upon Rivers, (which he principally attended all his life;) and to protect *Gall* from the *Allemans*, who had grown confident and daring upon the death of *Julian*, the Prince whom alone they feared after the Emperor *Constantius*. And his Felicity was such, that he reinforced the Army with a very great Supply; and such was his success in building new Forts where there was want, as well as repairing the old, that not an Enemy could pass into the *Roman* Pale undiscovered. He made use of industrious Captains, whom he rendered such by his own Industry; and where the Lions Skin was too scant he enlarged it by that of the Fox. For having assumed his Son *Gratian*, to the Dignity of *Augustus*, to prevent Competition he caused to be made away *Vithigarius* the Son of *Vadomarius* King of the *Allemans*, a young Man in the flower of his Age, who ceased not to animate his Countrymen against the *Romans*; after which he gave them a notable Defeat at *Solicinium*, having narrowly escaped being circumvented, and being destroyed by them. Having thus cautiously managed his matters against them, he turned his Arms against the rage of the furious *Saxons*, who ever rushed on in all desperate Enterprizes without fear or wit; and though by something fraudulent, yet a convenient Stratagem, eased them of that Burthen of Booty which they had pilfered from the Maritime Tracts. In like manner he rescued the *Britons* from the Violence and Inroads of their Enemies, of whom having made such Slaughter, as scarcely any were permitted to escape alive, he settled them in their former Security and Repose. By the same vigorous course of Proceeding he suppressed *Valentine* the *Pannonian* Exile, before it was well known what he was attempting; delivered *Africa* from those Mischiefs wherewith it was suddenly seized, when *Finus* drew the *Moorish* Nations to revolt; and had done the same by *Illyricum*, if he had not been prevented by death from perfecting what he was in a fair way to accomplish. In conclusion it may be said of him, That though he did great things by his Captains, yet many things he did himself, that he was of a quick Wit; and by his Experience in Military matters fit to manage the greatest Concernments of War, which would have more appeared, could he have taken *Maximianus* King of the *Allemans*, as with great industry he endeavoured to do, after he had escaped the hand of the *Burgundians*, (whom he had stirred up against that People;) which with great sorrow he understood. This is the summary Account *Ammianus* gives us of his Actions, to which he subjoyns a Character less necessary than the other; for from the general Carriage of this Prince, such as we have related it, he draws the Character; but in the summary Account of his Actions he gives us hints of such things as he had not described formerly at large.

His Vices.

121. For his Vices; although he counterfeited a shew of Clemency, yet was he cruel by his very nature, delighting in Inquisitions after Offences, condemning many to

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to death upon slight occasions, and never being known to have saved any once condemned, contrary to all Example even amongst the severest Princes. He was taxed for Covetousness, as to which yet some endeavoured to excuse him, as prompted to some Actions harsh and violent, by the great Loss and Charge sustained by the Empire in the Wars against the *Persians*, whereby the Treasury had been much exhausted. This made him both justly and unjustly fly upon the Fortunes of his Subjects, and seize their Estates into his hands right or wrong; in like manner as *Aurelian* is said to have done, to recruit the publick Coffers, which had been drained dry by *Gallienus*, and the Calamities of his time. He was envious above measure, hating all that were Eminent for Learning, Riches, Nobility, Valour, and Gayety in Apparel; as *Hadrian* his Predecessor is said to have done. Against Cowards he would most bitterly inveigh, and yet flew too much fear and dejectedness himself upon slight occasions; which Humour being observed by *Remigius* the *Magister Officiorum*, when he perceived him disturbed and angry for trivial things, he was wont to pretend Intelligence from the Borders signifying that the Barbarians were up in Arms, whereat he would grow as cool, milde, and serene as ever was *Antoninus Pius*. When he made choice of Judges, he never wittingly promoted any cruel or ill-principled men; but when it so happened, he boasted of them as so many *Lycurgus's* and *Cassius*, termed them the Pillars of Justice, and by Letters flattered them up to the greatest severity against the smallest Offenders; but never relieved any, though overpowered by never so unjust a Sentence: Whereas (saith our Author) the very end of Government, as wise men have accounted it, is the Profit and Safety of obedient Subjects.

His Virtues.

122. These were his Vices according to the Character *Ammianus* giveth of him, who also alloweth him large Commendations for such Virtues, as (if all had been answerable) would have rendered him not inferior to *Trajan* nor *Marcus Aurelius* himself. These were great Indulgence, to the Provinces, both in easing them as much as in him lay of the Burthen of Tributes, and providing for their Safety by the building of Towns, and raising of Forts and Castles in places, where was danger of Invasions. A great Exactor he was of Military Discipline, and as to that herein only he erred, that he was excessively severe to common Souldiers, but indulgent to great Officers, against whom he would not hear any Complaints; and hence proceeded the Commotions both of *Britain*, *Africa*, and *Illyricum*. As to his Body he was exemplarily chaste, and by his own Example propagated that Virtue both in his Court, and where ever else he came, there being no Complaints of Rapes, or any other Misdemeanors in that kind. To his Kindred he was not indulgent beyond the publick Interest, either not at all preferring them, or if he did, to inconsiderable Places, *Valens* his Brother excepted, whom in a dangerous posture of Affairs he raised to the highest Dignity. He was even scrupulous in bestowing the greatest Offices; neither in his time did any man belonging to Money govern a Province, nor were any of these Employments sold except it was at the beginning of his Reign, when many extravagant things were wont to be done, out of hope that a new promoted Prince was either too busie to take notice, or else that he was generous, as such persons called him, that is, careless and negligent of his Business. As to Military matters he was very sagacious; for having been accustomed to hardship, he knew when and where to direct his Souldiers, in ordering of whom he was very exact. He wrote very handsomely, and could both paint and emboss very well; so that we need not wonder he was so indulgent to Artists of this Profession, as by an Edict he made not long before his Death we understand he was. He was very ingenious in finding out new sorts of Arms, had an excellent Memory, and Readiness of Speech nigh to Eloquence; a great Lover of Neatness, and in his Feasts and Entertainments loved to be splendid, but not profuse. And *Ammianus* placeth this as the last, though not the least of his Commendations, that in the diversity of Religions and Persuasions he stood as betwixt both Extremes, neither molesting those of the one side nor the other, nor by any terrible Edicts forcing those of other Persuasions to what he esteemed best, but left all Parties free as he found them. Which is to be derved in another place.

123. With *Ammianus* other Historians agree in the main of his Commendations. *Vidtor* writes, that he was of a comely Countenance, subtle Wit, grave Deportment, and most elegant Speech, though of few words; severe by nature, and vehement in his Severity; yet an Enemy to Vice, and especially Covetousness, upon which he animadverted with all rigidity, resembling *Adrian* in all these things. He adds, that he was mindful of Ancient Nobility, ingenious in the Invention of new Arms, and

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and in making of Statues; knew how to serve himself of Time, Place, and Speech: And in a word, had he escap'd the hands of a Company of unfaithful persons, to whom he deliver'd up his Understanding, to be governed as to faithful Counsellors and wife, and had he been serv'd by Persons of Fidelity and Learning, he had been without doubt a complete and excellent Prince. In conclusion, all agree that he was of a present Countenance and proportionable Symmetry of his Limbs compos'd unto Majesty. He died in the Fifty fifth year of his Age, having reigned twelve years wanting an hundred days, on the fifteenth before the Calends of *December*, in the third year of the two hundred eighty and eighth Olympiad, of the City the MCXXXVIII, the third Indiction, in the CCCLXXV year of our Lord, *Paulinus* being Consul, as some have written; though *S. Hieron* tells us, that for this year no Consuls were created, because of the Irruption of the *Sarmatae* into *Pannonia* in the preceding. And therefore (as we formerly said) in the *Falsi* it is scrib'd, *After the third Consulship of Gratian and of Equitius*.

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## SECT. III.

From the Death of Valentinian the First, to the Murder of his Eldest Son Gratian.

The space of Seven Tears and Eight Months.

Valentinian's Issue.

1. **V**ALENTINIAN left two Sons, *Gratian* and *Valentinian*; with three Daughters, *Julia*, *Grata*, and *Galla*. *Gratian* he had by his first Wife *Severa*, and the rest of his Children by *Justina*, a Lady he married (as *Socrates* writes) while his former was living, upon this occasion: *Justus* her Father, who in the Reign of *Constantius* for a good while governed *Picenum*, dream'd that his Right Side was deliver'd of the Imperial Robe, and this Dream he told to so many, that at length it came to that Jealous Emperours Ears; who conjecturing that one born of him might arrive, or aim at the Sovereignty, procur'd him to be made away. *Justina* thus bereaved of her Father continued a Virgin, and in time came to be acquainted with the Empress *Severa*, and with her often convers'd, and grew so familiar, that she permitted her to use the same Bath with her self, by occasion whereof *Severa* saw and admired her Beauty to such a degree, that she could not forbear telling her Husband of it; affirming, that in that sort of Perfection she excell'd all other Women. That sunk deep into the Heart of the Emperour, which seem'd only to pierce his Ear; and he desir'd how he might compass this beautiful *Justina* for his Wife, without divorcing *Severa* the Mother of *Gratian*, whom he had assum'd to a Participation of the Imperial Dignity but a little before. To this purpose he made a Law, That all that were so pleas'd might have two Wives apiece, and this he caus'd to be proclaimed throughout every City; which done, he took *Justina* for a second Wife, and by her had *Valentinian* and his three Daughters, whereof two died Virgins, and *Galla* was after married to *Theodosius* the Great. But this is justly suspected for a mere Tale, nay there's little doubt of its Falshood, that Law appearing no where, and the Testimony of History being so clear against it, that it affirms him exceeding chaste; neither would other Writers have omitted so strange and extraordinary a Passage. But this may suffice, that this *Justina* was no Virgin when he married her, but the Widow of *Magnentius* the Tyrant; if *Zosimus* may be believed.

A strange Tale of his making a Law for, and having two Wives together.

2. The Emperours Body being duly prepared to be sent to *Constantinople*, and buried amongst the *Angels*, Troubled on all mens Spirits, in expectation what so great an Accident might produce; and the rather because the *Gallican* Souldiers were suspected, as those that never had kept their Fidelity to the deceased Prince, but were ever ready to raise Commotions upon such occasions. The Officers therefore in such traits proceeding in a wary course, sent for *Merobaudes* their Commander in the Emperours Name, and as yet alive, to come to them; who either suspecting the matter of himself, or sitting it out of the Messenger, pretended to his Souldiers, that he had Orders to lead them to the *Rhine*, there to oppose the Incursions

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Valentinian his Son declared Emperour by the Officers of the Army.

fions of the Barbarians, and, according to his Instructions, he sent out of the way *Sebastian*, a man by his own nature quiet and milde enough, but in great favour with the Military men, and thereupon much to be feared. When he came to Court it was resolv'd in Council, that *Valentinian* the Son of the Deceased, a Child of four years old, (if not rather nine) and at the distance of an hundred miles, living with his Mother *Justina* in a Village called *Murocintha*, should be made Emperour. Accordingly *Cerealis*, the Boy's Uncle by the Mothers side, was sent to fetch him, who bringing him in a Litter into the Camp, he was there legally declared for Emperour (so saith *Ammianus*) on the sixth day after his Fathers Death, and named *Augustus*, in the solemn manner. All men concluded that *Gratian* would take it heinously (as well he might) that any one should be advanced to the Imperial Dignity without his Consent or Knowledge; but they lived very peaceably and lovingly together, and in this matter he carried himself both like a prudent and good-natur'd person, nay rather educated this his young Brother with too much fondness and respect.

Ammianus lib. 31. &amp; ult.

3. In the mean time a great Tempest began to gather to an head in the East, which occasion'd the Death of *Valens* was foretold by many Prodigies, as our Author believeth. Amongst them (if any) is remarkable the Oracle found written in a four-square Stone in the Walls of *Chalcedon*, which were pulled down (as he saith) for the building of a Bath at *Constantinople*; as others write, because the *Chalcedonians* had reviled *Valens* during the Commotions rais'd by *Procopius*; wherein was in Greek Verse signified, that when those Stones should be so employ'd, a stout People through the River *Danubius*, the *Scythian* Countreys and *Myfia*, should invade *Thrace*. Now *Socrates* hints, that these Walls were broken down several years before, by Command of *Valens*, who fware, That if he overcame *Procopius* the Tyrant, he would do it, because the Inhabitants of that City took his part, shut their Gates against himself, and reviled him as he pass'd by the said Walls, the Stones whereof were indeed carried to the Common Baths of *Constantinople*, called *Constantiane*. Then were found certain Verses (he adds) signifying, That the Walls should be taken to the use of the Baths, at what time great Plenty of Waters was to be seen in the City; and that then infinite Numbers of the Barbarous Nations, invading the *Roman* Dominions, should wonderfully distress the Empire; but in the Conclusion be destroyed themselves. Accordingly not long after, the Conduit made by *Valens* yielded great Plenty of Water to the City, and at the same time several of those Nations took up Arms against the State. Yet such as will trouble their Heads with things of this nature affirm, that the Oracle might be otherwise interpreted, from *Clearchius* the *Presett* his making a great Pipe from this Conduit into the *Forum of Theodosius*, called *The Plentiful Pipe*, the flocking together of the People, and the Feast held thereupon; but these Circumstances and the Knowledge of this supposed Oracle fell out afterwards. We are further told, that when the Walls of *Chalcedon* were going to be demolished, the Citizens of *Constantinople* made humble suit to the Emperour, that he would not so deface that City; and the like did such *Bithynians*, *Nicomediens*, and *Niceans*, as by chance were at *Constantinople* at the same time: but he remitting nothing of his Choler, took their Suit in very evil part, and that he might (as he alleged) keep his Oath, commanded both the Wall to be pulled down, and the Foundation fill'd up with Pebble Stones; whence came it to pass, that a slender and contemptible Structure was afterward rais'd upon so ancient and substantial a Foundation.

The Huns invade the Empire.

Their manner of living.

4. But the Tempest which fell upon the East was rais'd by the *Huns*, who out of greediness after Booty invaded the Empire, and raging with great Cruelty and Rapine, pierc'd at length as far as *Achaia*. This was a fierce and savage People, inhabiting that part of *Scythia* which lay upon the Ocean, beyond the Fens of *Maotis*. As soon as born they had their Cheeks cut and mangled, to prevent the growing of Hair, and therefore were as Beardless as Eunuchs, and ugly to behold. But their Constitution was firm and robust, as were their Limbs, and their Shoulders so large and beshed, that they look'd rather like two-footed Beasts, or rude and unpollish'd Images of Men. So hardy were they that they never us'd Fire, nor dress'd any Meat; but lived on the Roots of Herbs, and such Flesh as was chaf'd betwixt their Thighs and the Sides of their Horses. For Horses they never had any, but were as averse to them as to Sepulchres separated from common use; they wandered from place to place through Mountains and Valleys, as from their Infancy accustomed to bear the Incommodities of Cold and Hunger; which had such Influences upon their Fancies, that when they came into other Countries, they would not willingly enter

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within



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within the Walls of any Houſe, as thinking themſelves not ſafe when ſhut up and covered. Their Clothes were either Linnen, or the Skins of a ſort of Mice ſtitched together, knowing no diſtinction of Time or Place, or any Change, ſo long as they could hang on. They wore a crooked ſort of Cap; with Goats Skins they covered their Legs; and their Shoes were without any ſhape or faſhion, which hindered their pace, and rendered them unſerviceable on Foot; but on Horſe-back they fought nimbly, though in an unſeemly poſture. Day and night was indifferent to them as to Buying, Selling, Eating, and Drinking; and their Sleep they took up on the Necks of their Horſes. As to their Publick Affairs, thereof they conſulted in common, having no King, but living in a tumultuary conſuſed manner. They fought in Parties formed like to Wedges. They began the Battel with an hideous Noiſe; and as in Onſets they were quick and ſurpriſing, ſo when put to flight their Retreat was diſorderly, and void of all prudence; their Purſuit being alſo violent, furious, and diſcompoſed, wherein was obſerved that they never attacked the Camp of their Enemy. Their Miſſile Weapons were made of Bones joyned together and ſharpened very artificially; hard to hand they made uſe of the Sword, and made it a great part of their buſineſs to entangle the Legs of their Adverſaries both on Foot and Horſe-back. They were never to be truſted in time of Truce, breaking all Laws of Nations, of Peace and War, as the fit and fury would come upon them, for they had no greater ſenſe of Right and Wrong than wilde Beaſts; and were of ſo inconfant a humour, that without any Provocation they would fall out with their Friends, and again be reconciled without any Application made to them. To no ties of Religion or Superſtition were they bound. They were greedy of Gold, though they never pierced into the Earth ſo far as a Plough: For they wandered about as if they fled from an Enemy, without any Habitation, conſtant Law, Rule, or Order, in their Waggons, where they dwelt with their Wives and Children, whom they therein brought up till time of Puberty; ſo that none could answer if demanded of him, which was the place of his Conception, Birth, or Education.

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The Aſia  
their Neigh-  
bours.

5. Neighbours to the *Hunns* were the *Alani*, who alſo inhabited *Scythia* beyond *Tanaïs*, which River ſeparated *Europe* from *Aſia*. If we credit *Ammianus*, this People poſſeſſed a vaſt Deſert, and from the Mountains had their Name; which by their continual Conqueſts they communicated to the bordering Nations, as the *Perſians* formerly had done; ſo that thoſe who went under this common Appellation, extended toward the Eaſt their Habitations as far as the *Amazons*, and into *Aſia* to the River *Ganges*, which taking its courſe through *India*, pours forth its Streams into the Southern Sea. Like the *Scythian Nomades* they alſo wandered up and down without Houſes or Agriculture, living on raw Fleſh and Milk, and carrying their Families in Waggons covered over with the Bark of Trees, and ranged together in a Figure reſembling that of a City. They were chiefly addicted to the breeding of Horſes, and drove before them great Herds of Cattel. And the Soil they inhabited was very convenient for this ſort of Life, abounding with good Paſture, and here and there beſet with fruitful Trees. On foot to be ſeen they accounted ignoble, as being from their Youth accuſtomed to ride, and being trained up in War were in the management of it more prudent; and thence came it to paſs, that the *Perſians* being originally *Scythians*, were moſt ſkilful in fighting. In other reſpects they were much like the *Hunns*; for generally they were tall and goodly Perſons, of a terrible Aſpect, their Hair inclining to a Yellow, their Eyes quick; they were ſwift in Battel becauſe of the Lightneſs of their Armour; yet were they of a more cultivated and civil Converſation than they. Impatient above all things they were of Reſt, taking no pleaſure but in Wars and Dangers, inſomuch that they eſteemed thoſe happy who died in the Field, but ſuch as were extinguished by Old Age or other accidents, they reproached as degenerate and ſluggiſh Perſons. Nothing accounted they ſo glorious as to have killed an Enemy; and they were wont to trap their Horſes with the Skins taken off from the Heads of the ſlain. As for Religion, not a Temple nor Chapel was ſeen amongst them, as indeed no Roofed Houſe; but a naked Sword after an odd kind of faſhion ſtuck in the Ground they worſhipped as *Mars*, and the Protector of the Regions they inhabited. They had a ſtrange way of foretelling things to come by Rods, on which their Women practiſed certain ſecret Incantments. They knew not what Servitude meant, (yet we read that the ancient *Judians* had Slaves) all of them being reputed as nobly deſcended, and in matter of Judicature they made choice of ſuch Judges and Officers as were moſt Eminent for Ability in War.

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The Hunns  
fall into the  
Territories of  
the Alani and  
then upon the  
Goths.

6. Into the Territories of theſe *Alani*, who were called *Tanaïtes*, and were Neighbours to the *Greuthungi*, did the *Hunns* break; they ſpoiled the Country, made great havock of all things; and entering into Alliance with ſuch as remained alive, joyned them to their Body, and with great Confidence and Celerity fell into the Dominions of *Ermemich* a moſt Martial King, who for his great Performances was become terrible to the Nations adjoining, but, ſtruck with Conſternation at ſo ſtrange and unexpected an Attempt, prevented his further trouble by a voluntary death. *Vithimires* being advanced into his place, by the Aſſiſtance of ſome other *Hunns* he had hired, made reſiſtance for ſome time, but after many Loſſes received was ſlain in fight. Then *Alatheus* and *Saſace*, two valiant and experienc'd Captains, undertook the Guardianſhip of his Son *Viderich*, who yet being ſtraitened in time, caſt off all hopes of Reſiſtance, and warily came down to *Daniſſue*, a River running through large Champain Countries betwixt *Iſter* and *Boryſthenes*. This being underſtood by *Athanarich*, Judge or Magiſtrate of the *Thervingi*, him againſt whom *Valens* moved war for having aſſiſted *Procopius*, he reſolved to ſtand upon his Guard, and vigorously to defend himſelf in caſe he were invaded, ſending out his Scouts to diſcover the Motions of thoſe Rovers. The *Hunns* ſuſpected there was a great Number of Men, and paſſing by the Scouts, fell upon him all on a ſudden, who having loſt ſome of his Souldiers, fled to the Mountains, and afterward paſſing from the River *Gerapus*, the Country of the *Taiſali*, unto *Danubius*, there he raiſed a Fortification for his own Defence, when he had decamped the *Hunns*, who were overcharged with Booty, and thereby rendered incapable of an haſty Purſuit. However, the Report of this ſtrange and ſudden Invaſion running throughout the other Regions of the *Gothick* Nations, they reſolved by ſeeking out new Seats, to evade the Rage and Fury of ſo Barbarous an Enemy; and reſolving upon *Thrace*, both for that it was a fruitful Country, and from the Tracks which theſe Rovers moleſted, ſeparated by the large Streams of the River *Iſter*, under Conduct of *Alaricus* they ſeized on the Banks of the *Danube*, and by their Orators humbly beſought *Valens* they might be received, promiſing to live quietly, and to ſend him Aid upon any occaſion.

The Goths  
driven from  
their own  
Country re-  
ſolve for  
Thrace.Order is given  
by Valens for  
their Trans-  
portation.They are pro-  
voked by Lu-  
picius and  
Maximus.

7. The firſt Rumour of theſe ſtrange Commotions in the Northern Parts ſtruck all men with Admiration as well as Terror, to hear that ſo vaſt Multitudes of Barbarous People ſhould hover about the Banks of *Iſter*, driven out of their Seats by greater Barbarians than themſelves: And indeed this ſeemed, as by ſome later Chriſtians it is held, to be one of the Soundings of the Trumpet to the Diſſolution of the Western Empire. Yet ſome flattering Courtiers took even hence occaſion to extoll the good Fortune of the Emperour, who would now be ſo furniſhed with Souldiers out of *Thrace*, that he might by that Eaſtneſt treaſure up abundance of Gold, ſpent before this in the making of new Levies; and their Perſuaſions were ſo effectual, that Order was given for Tranſporting theſe *Goths* into that Country, who night and day without any intermiſſion came over in ſuch Multitudes, that ſuch as were appointed to ſurvey them could never attain to any certainty of their Number. *Ammianus* compares them to the Troops of *Xerxes*, and the Companies that mulſtered at *Dorifene*, and affirms them far more noxious than they, in that they brought Ruine to the Empire along with them, and far exceeded the Malignity of the *Perſian* Armies, which *Greece* in a manner overcame before the ſaw. Theſe Swarms of the Northern Barbarous People he further likens to the thick Clouds of burning Coals, which were wont formerly to iſſue out of the Mountain *Etna*, and at this very ſame time intercepted the Light of the Sun; and beſides what it belched forth out of its own Bowels, kindled other new and unnatural Fires, by burning all things combuſtible within the Limits of the adjoining and obnoxious Country. And it ſo further happened at this very time of danger and moſt preſſing difficulties, when there was greateſt need of ſkilful and prudent Governours; that the Provinces were ſerved by moſt unworthy men, amongst whom of moſt Eminence were *Lupicius* and *Maximus*, he a *Comes* through *Thrace*, and this exercizing the Office of a *Dux*; both equally guilty of Raſhneſs and the Ruine of their Country through their Covetouſneſs, whereby they ſeveral ways irritated this People, till then ſufficiently quiet and peaceable. Amongſt other diſhonourable Practices, when theſe Multitudes were forely pinched with want of Proviſions, and diſtreſſed by Hunger, they got all the Dogs they could together, and exchanged them for ſo many Men, whom they took for Slaves, and amongst them ſome of the Sons of the chiefſt Perſons. However, ſuch was the occaſion of the Admiſſion of theſe Barbarous Nations into the Bowels of the Empire, a thing of ſo per-

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Their Admif-  
fion mifchie-  
vous to the  
Empire.Which hap-  
pened when  
Fafus the  
fifth time and  
Valentinian  
the younger  
were Confuls.The Grati-  
an, though  
forbidden,Take their  
opportunity  
and pafs over.And all agree  
together to  
waite the  
Country and  
defeat Lucius  
h. 4.

nicious a Confequence, as nothing more; and the Circumftances of their Admiffion were fuch, as *Ammianus Marcellinus* delivers them. A moft grofs act of Imprudence, whether of *Valens* or others, to receive fuch Multitudes without difarming them. Some Writers fay, it was the Emperours Command that they fhould deliver up their Arms before they came over; but the Officers who had the charge of their Paffage never had any regard unto it, being intent upon their own Gain and private Advantages, which they made of the moft beautiful Women, the goodlieft Boys, and ftrongeft Slaves and Labourers they could chufe. And fome were bribed by Linen Clothes and other Prefents, to connive at their having their Weapons. Nay, fome tell us, that *Valens* his Defign was prudent, if it could have been profecuted, which was, to befew the Children of both Sexes through divers Provinces of the Empire, to have them as fo many Hoftages for the Truth and Fidelity of their Parents. This memorable Paffage of the *Goths* happened, when *Valens* the fifth time and *Valentinian* the Younger were Confuls, in the CCCLXXVI Year of our Lord, and not in the following Year, as it is erroneoufly placed in the Chronicle of *S. Hierom*. Their Captains were *Alaricus* and *Fritigern*.

8. Thefe Captains with their Followers being thus received within the *Roman* Pale, not long after *Vithrich* King of the *Greuthungi*, by the Advice of *Alatheus* and *Saprax* who governed him, accompanied by them and *Farnobius*, came down to the Bank of *Ifter*, and by Mefengers difpatcht away in all hafte fought the Emperour that they might alfo be received, with the fame Courtefy. This for weighty reafon was denied them; and when they confulted what to do upon this Repulfie, *Athanarich* well remembering how he had affronted *Valens*, by pretending he had fworn never to fet Foot on *Roman* Ground, and for that Reafon had forced him to come by Boat into the middle of the River to make the Peace, concluding that the Emperour retained fill the grudge in his Mind, drew off his Men to a place that was almoft inacceffible by reafon of Mountains and Woods, and thence expelled the *Sarmata* who had there feared themfelves. In the mean time fuch of the *Thervingi* as were permitted to paffe the River, wandered upon the Coafts, almoft ftarved, by reafon of the Cheating tricks praftifed againft them by the *Roman* Officers for Gain, and *Lupicinus* perceiving their juft fence and indignation, for fear they fhould Mutiny, fent a Party of Soldiers to drive them on fafter. The *Greuthungi* perceiving this to be a convenient time, when the Soldiers were thus employed, and that the Veffels wout to ply to and again to hinder their Paffage, were removed, took the opportunity, and got over by Boats patched together as well as they could out of hand, and fate down at a good diftance from *Fritigern*, who being a Cunning Man, that he might not give any Caufe of fufpicion to the *Romans*, and yet not want the Affiftance of the other Kings upon occafion, marched slowly towards *Marcianople*. There fell out a mifchance which added Oyle to the former Flame. *Lupicinus* having invited *Alaricus* and *Fritigern* to Dinner; left the ordinary fort of Barbarians fhould prefent upon him for Victuals, he ordered a Guard of Soldiers to keep them off from the Gates of the Town, whither they defired they might be admitted as Friends, to provide them Necellaries. Being thus Repulfed, they came to outrageous words with the Inhabitants, and from words to Blowes, fo that the *Goths* fell upon the Party that was appointed to watch the Gates, killed them, and ftripped them when flain. *Lupicinus* herewith acquainted, in the midft of their merriment, caufed all the Attendants which waited on the two Guefts to be ftraightway knocked on the Head; the Report whereof flying to thofe without the Walls, drove them into a Rage, as concluding that their Kings fhould be detained Prifoners. This *Fritigern* earnestly preffing, and fearing indeed that he fhould be detained as an Hoftage, alledged it was neceffary he fhould go, to quiet their minds and allay their Fury. Both he and his Companion got away, the *Roman* General being now befot with Wine, and were received with great Joy, as utterly unexpected; and to improve the Advantage thence obtained, they fell into Confultation how they might beft raife a War and Revenge themfelves.

9. The whole Nation of the *Thervingi* upon information of what had happened, were vehemently bent the fame way, and with Banners difplayed, fell prefently upon the Countries, which they Pillaged and wafted with Fire and Sword. *Lupicinus* in a Tumultuary manner marched out, to withftand fo dangerous a beginning, but with fo ill Succels, that Incamping himfelf at twelve Miles diftance from the City, he was by a fudden Attacke of the Enemy defeated, and forced to flye for his

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Vidi Valentinianum  
in Ann. lib.  
31. p. 442.

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his Life, moft of his Men being Cut off together with their Tribunes, which Accident, carried this greater mifchief along with it, that the Barbarians were hereby furnifhed with *Roman* Armes, and made now havock of all things without Controll. When *Valens* had notice of thefe dangerous Motions of the *Goths*, he was much diftracted in his Thoughts what Courfe to take. He fent away with fpeed *Vitor* the *Magifter Equitum*, to Compofe Matters as he could with the *Persians*, about *Armenia*. Refolving then to quit *Antioch*, where he had made his Abode about a year, and go to *Conftantinople* to be nearer at Hand; he fent before, two of his Captains, *Profulurus* and *Trajan*, Men more Ambitious than able for Buftines, who coming to the place, whereas the Cafe required, that they fhould by way of Stratagem and Surprize, Cut off and diminifh fo great Multitudes as now filled both the Mountains and Champion; they oppofed againft them the Legions drawn out of *Armenia*, which indeed were Valiant enough, but utterly unable to grapple with fuch vaft numbers of Men. They forced the Enemy beyond the Mountain *Hemus*, and there feizing on the Straits and cragged Rocks, refolved to fhut them up, and deftroy them by Famine; or at leaft fo long to keep them pent up till *Frigeride* could Arrive with the *Pannonian* and *Transalpine* Auxiliaries, which, at the request of *Valens*, *Gratian* ordered to their Affiftance. And *Richomer*, who at that time was his *Cousin Domesticanus*, he commanded to haften out of *Gall* into *Thrace*, upon the fame Errand. But by the Endeavours was reported, of *Merobaudes*, *Richomer* his Troops forfook him for the moft part, that the Borders of *Gall* might not be deftitute and expofed; fo that he joynd indeed, with *Profulurus* and *Trajan*, but to little Effect, for *Frigeride* was feized with the Gout; or elfe, as his Ill-willers talked, Counterfeited himfelf fick, and ftaid behind.

10. Such were the Difappointments, as to Relief out of the *Weft*; and for the *Eastern* Parts, we muft not forget, that at the very first when the Rumour of the motions of the *Thervingi*, came to the Eares of *Valens*, he ordered a Party of *Goths* which under Conduft of *Suavius* and *Colias* had been long before received and appointed to Quarter about *Adrianople*, fpeedily to remove toward the *Helefpont*. But they confidering what would make moft for their Interelt, required Provisions for their Journey, and two days Refpite, whereas the *Magistrate* or *Dunvir* of that City was very much moved, as incensed againft them for having wafted the Country adjoining, and he flurred up the Common fort fo much, together with the *Fabricenfes* or thofe belonging to the Forges, of which there was there a great Multitude, that they all gathered together, threatening to deftroy them upon Refufal to depart. The *Goths* at firft were amazed, and flurred not, till provoked both by opprobrious Language and the Miffile Weapons; they then fell upon them, killed many, put the reft to Flight, and in the *Roman* Habie (having ftripped the flain) went and joynded themfelves with *Fritigern*, and with him laid Siege to the City. But *Fritigern*, knowing his People unexperienced as to Sieges, perfuaded them to remove (alleging that he had no Quarrel with Walls) and to Plunder the wealthy and fruitful Province; for there they fhould find no Oppofition. Leaving a fufficient power to block up the Town, they ranged all over *Thrace*, where they could get moft Booty, their numbers being daily increafed by thofe of their Nation, who having been formerly fold by Merchants, or others, for morfels of Bread, now flocked in to them. Many alfo who had Skill in Mines, of which there were plenty in *Thrace*, accompanied them for getting of Gold, not able, or not willing, to bear the utual Impofitions, and the *Goths* gladly entertained them for the Difcovery of the fecret places in the Country whither Men of Wealth had retired. Now, without any difference of Sex or Age, did thefe Barbarians rage againft the Perfons, as well as Goods of the miserable Inhabitants; the fucking Children were fatched from the Breasts of their Mothers, the Infants killed, and the Mothers abufed, after they had feen their Husbands Butchered before their faces; thofe of puberty were haled over the dead Bodies of their Parents into Slavery, and the old Men, in vain complaining, that they had already lived too long, were compelled to quit their flaming Houfes, and follow with their Hands bound behind them.

11. But *Profulurus* and *Trajan* to whom *Richomer* had joynd himfelf, that it might not be faid they would do nothing, moved toward a place called *Salices* near to which, lay a vaft Body of the *Goths*, the pofture of whom they obferved, as they were inclofed with their Waggon, and expected when they would flir, that they might fall upon their Rear, promifhing themfelves much Succels in fuch

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Grati-  
an  
p. 442.They block  
up adrianople.And cruelly  
rage through-  
out Thrace.

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such an Attempt. But the Design was discovered either by Fugitives or some other way, so that the Barbarians kept their Post, and by Signs gave notice to all their Straglers to return to the Camp; where being Arrived, like so many Wilde Beasts upon the Prey, they raged to be led out against the *Romans*, who well enough perceived the disadvantage they were in, both in respect of their Numbers and the Folly of their Commanders; however, animated by the goodness of their Cause, That Night they passed without Sleep on both Sides, and the Day following came to a Bloody Battel. The Barbarians, having first taken the Oath after their manner, indeavoured to become Masters of the upper Ground; but in this matter the *Romans* were as cunning as they, and so Resolute and Courageous, that Night alone could put an end to the Controversy, in which many of them fell, as overpowered by Numbers. The better sort, as they could, they gathered up and Buried; and all the rest were left to be devoured by Fowles, which then had but too plentiful Fare, as appeared by the Bones they left, with which these Fields were covered a long time after. The *Romans* drew off towards *Murcia-nople*. The *Goths* for seven days following, kept themselves amongst their Carriages, not daring to look out, which opportunity the other taking, Blocked up another Party of them in the Straits of *Hemus*, where they hoped they might perish with hunger; for on the other side they were closed by the *Liter* and *Deserts*, within a Country destitute of Necessaries; all Provisions being removed into strong Townes and fenced places, which how to Attacque or become Masters of, they knew them to have neither Skill nor Power. These things thus performed, *Richomer* went back into *Gall*, to fetch, as was hoped, greater Supplies of Men, for so mighty a work as evidently now was Cut out for them. But this was when *Gratian* the fourth time was *Conful*, together with *Mero-baudes*, and *Autumn* now approached, as *Amimianus* tells us in so many words.

When Gra-tian the fourth time and Me-robaudes were Confuls.

The Barba-ras of Scythia and Avaria broke allo into T-j-z-z.

They cut off L-z-i-m-ri-z.

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Hec Gratian quatuor et Merobaudes Confulus ag-bant, duo in autumnum viginti.

Amimianus te-l-lit ut co-cit.

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Frigeride kills Farnobius and takes his T-j-f-f.

In the mean time the Lac-trois a Pro-ple of the Al-tains in-vade also the Em-pire.

After this the Germans gene-rally do the same.

Marimianus and Mellobaudes give them a great defeat.

bins, and with him had so treated all the rest, but that he was induced to Mercy, by the miserable Cries they made for Quarter. He took them all alive, none escaping, and bestowed them in *Italy*, about *Mutina*, *Regium* and *Parma*, to Till the Grounds. This Nation, as the Historian tells us, was infamous for *Sodomy*; it being their Custome to abuse Boys that were Arrived at Puberty, who had no way to Redeem themselves from that filthy sort of Slavery, but by killing a Wilde Boar, or else a Bear, with their own Hands; a Service performed to the Publick.

13. In this manner was miserable *Thrace* afflicted, when it grew towards Winter; and about the same time, other Northern Parts of the Empire had their share in the publick Calamity, occasioned by the *Lentienfer*, a Nation of the *Alleman* neighbouring to *Rhetia*, which broke the League, and invaded the *Roman* Territories upon this Occasion. There was one of their Countrymen, who being of the Emperours Guard, and having occasion to return home, when several asked him what Newes at Court? Told them, that *Gratian* was sent for by his Uncle *Valens*, to help him to repel those Northern People, which had conspired against the Peace of the Empire; and that speedily he would set forward to the East. They were Joyful Men at the Report, being as greedy of Booty and Spoil, as any of the rest; and in the Month of *February*, when the *Rhine* was Frozen, took the Opportunity, and fell of spoiling the Country, till stopped by the *Petalantes* and *Celze*, who making Head against them, drove them back; not without considerable loss on the *Roman* side. They were forced to Return; but not at all dismayed by this Repulse, they encouraged their Friends and Relations to venture forth another time; and now generally the *German* Nation knowing that the Imperial Forces were drawn into *Illyricum* and that *Gratian* was to follow, rose up from all their Villages, and to the Number of forty thousand, or as some who endeavoured to enhance the Reputation of the Emperour alleged, to that of seventy, confidently poured themselves into the Neighbouring Province. *Gratian* here with very much startled, recalled the Troops he had sent toward *Pannonia*, and mustering such as were in a Readiness in *Gall*, committed them to the Conduct of *Nannienus* a Sober and Expert Captain, and with him joynd *Mellobaudes* his Comes *Domesticorum*, yet a King of the *Frankes*, and a Valiant and Martial Person. These two, though of different Tempers, the one being very Wary and Circumspect, the other greedy of Fighting and impatient of Delay; at a place called *Argentaria*, gave these Rovers a notable Defeat; though at first their Men were affrighted at the Number of their Enemies and began to thift for themselves. Of the Barbarians (so many in number as we have said) no more than five thousand escaped, through their knowledge of the Woody Country; and such as died in the Field, were accompanied to another World by *Prisarius* their King, who had been the principal Incendiary and procurer of the War.

14. With so great success was *Gratian* sufficiently elevated, and bent now toward the East. Yet encouraged by the Victory, he could not but in his way turn to the Left Hand; and with all Secrecy imaginable passing the *Rhine*, hoped by Surprise wholly to Conquer or destroy this inconstant and unfaithful People. The *Lentienfer* having received frequent Alarms of his Approach, as utterly despairing of any other Course, and too sensible of the miserable reiterated Slaughter of their Nation, fled with all they could carry away to the Neighbouring Mountains, where they little doubted but to defend themselves by the steepness of the Rocks. But *Gratian* chose out of the Army several Parties, whereof each consisted of five hundred Men, and sent them as it were on Hunting after the Enemy, and though in Skill and Valour these might have the Advantage, yet the other were so Afflicted by the inaccessible Precipices, that they maintained the Fight on even Terms, till Night put an end to the Contention. The Emperour so unexpectedly missing of his Aim, called his Officers together, and it was resolved in Council, no more to follow the former Course, but Block them up and subdue them by Famine. But this could not so far Affright or Discourage the *Germans*, but that sufficiently knowing the Country, they removed their Station from this place to other Mountains, less Accessible than the former. For all this, he still pursued them, and laboured to discover the Passages whereby they had Arrived at the Top of the Hills; which Persecutions purpose of his, had so great Operation now at last upon them, that perceiving nothing would satisfy him, but their Destruction, and that by no Difficulties, could he be deterred from

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Argentaria  
system Ge-manie in Tri-nocis.

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Gratian forces  
the *Licet* etc.  
to beg Peace.Which gains  
him much Re-  
putation.

from his Resolution, they begged Peace and obtained it on Condition, to send their Youth to serve in the *Roman* Armies. This so feasonable and otherwise considerable a Victory, incredible it is, how much it advanced the Interest of *Gratian*, who hereby kept in Awe the Western Nations, and facilitated his Designs, as to his Eastern Expedition. And indeed he gained much upon the People by his towardly Disposition, being a Youth well Inclined, Eloquent in Speech, Soldier enough for his time, yet moderate and merciful; though to blame in a fond humour he had of imitating the Emperor *Constantinus*, yet so as not to be Bloody. For as that Prince Prided himself in the Dexterity of Casting Darts, so as in the View of the People, he would kill whole Drovers of Wilde Beasts upon the Theatre, nay, an hundred Lyons let go all together, he singled out severally, and killed each with one Shaft alone; so *Gratian* spent too much time in his Parks, in Exercise of the like Nature, and neglected his great and Important Affairs, at such a time, when, if *Marcus Antoninus* himself had Sate at the Helm, he could scarcely have recovered the State out of the miserable Condition wherein it now lay; without great Wariness and some Colleagues chosen of equal temper with himself.

15. But having settled the Affairs of *Gall*, as the time would give leave, and the Cases of the several Nations required, and withal, having punished that Soldier who had betrayed his Designs to the Enemy, he took his way by the Fort at the *Happy Tree*, as it was called, and by *Lauriacum* halted to the Assistance of them, in whose Quarrel he was engaged. In the mean time, when *Frigidus* ordered all his matters with great Prudence and Caution, and now was about to fortify the Streights of *Succi*, to wife a Man though he was, and such an one, as if he had not been employed, should have been by all means drawn out of Retirement and preferred, was discharged his place, and *Maurus* a *Comes* appointed his Successor, one of a quite contrary Disposition, rash and uncertain; he who took a wreath from about his own Neck, and put it as a Diadem upon the Head of *Julian*, at his Promotion. In those days *Valens* departed at length from *Antioch*, and came to *Constantinople*, where having staid a little time, he found the People tumultuous, and having given the Command of the Foot belonging to *Trajan*, to *Sebastian*, a very expert Commander, whom he had lately sent for out of *Italy*, he departed to *Melambias*, a Village belonging to the Emperor, where, by Money, good Victuals, and fair words he cardied the Soldiers. Thence he gave Orders for the Army to March to *Nice*, a Station so called, where he understood from his Scouts that the Barbarians having wasted the Countie of *Rhodope* were returned with great Booty as far as *Adrianople*, and for fear of him, having heard he was at hand, with a powerful Army, hadred to joyn their Countrymen that lay about *Berwa* and *Nicopolis*. Against them was *Sebastian* speedily sent away with three hundred chosen Men out of Each Band or *Numerus*, and using great Expedition, soon arrived at *Adrianople*, to the walls of which when he approached, he was unexpectedly forbidden by the Inhabitants to proceed any farther; for they were fearful that he was stubborn, and sent by the Enemy to entrap them; but at length, persuaded to be of another Opinion, they opened the Gates. Having refreshed his Men with what Conveniences the Town would afford, the day following he issued out, with Intention to cut off certain Parties of the Barbarians, which were roving about the River *Hebrus*, and covering himself with the thicknes of the Woods and obscurity of the night, he fell upon them undiscovers, killed all that could not make a speedy Escape, and recovered so much of their Plunder, that if you will believe our Writer, neither the City nor the adjacent Plain it self could contain it. At this so considerable a Defeat was *Fritigern* much disturbed; and fearing that the rest of his Country men, that were dispersed, and risting the Country, should be intrapped by so expert a Commander, he gathered them together from all Quarters, and departed into the Coasts of *Calybe*.

Sebastian, sent  
by Valencius  
cut very many  
off the Barba-  
rians.

16. While matters thus succeeded in *Thrace*, *Gratian* having by Letter informed his Uncle how his Arms had prospered against the *Allemans*, sent his Baggage away by Land, with his Army passed the *Danube*, and by the way of *Bannonia* (a Town in *Pannonia*) came to *Sirmium*, where having staid four days he removed, and by the said River proceeded as far as the Fort called *Castra Martis*, though all the while afflicted by an Ague, having by the way lost some few of his Followers, intercepted by the sudden Incursions of the *Alans*. *Valens* was not so dull, but that he conceived

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Ammian.

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Valens en-  
joying his Ne-  
phew goes in  
person against  
the Goths.Gratian by  
Letters de-  
fies him not  
to fight till he  
should come  
to his Assis-  
tance.But he is per-  
suaded to the  
contrary.

ceived matter of Emulation upon a double account, both that the *Lentines* were quite subdued, and that *Sebastian* had got so much Reputation by the late Action about *Hebrus*. Inwardly nettled at the Fame of his young Nephew, he removed from *Melambias*, out of a Resolution to do something by the repute of which he might equal his *Renown*; and for this purpose having already in the Field a very good Army, he rendered it yet more formidable, by getting into the Service many Veteran Souldiers, and amongst others of more notable Rank he again employed *Trajan*, who had not long before been *Magister Armarum*. Now was made a Discovery, that the Barbarians intended by seizing on the Straits to intercept the Provisions he had made for his Men; but this he prevented in good time, by dispatching away with all speed a strong Party of Archers, and a convenient Body of Horse. They, thus disappointed, proceeded slowly and cautiously, for fear of being surprized; and *Valens* by his Scouts being misinformed concerning their Number, longed to be at them. Drawing his Army into the form of a Square he marched toward *Adrianople*, and near the Town intrenched himself, where with impatience expecting his Nephew, he was presently informed by *Richomer* his *Comes Domesticorum*, whom he had sent before with Letters, that he was at hand. *Gratian* by these Letters earnestly besought him that he would stay for him, and not by hazarding a Battle thrust himself into so great danger; and upon reading of them he called together his Council of War. *Sebastian* and others importuned him not to delay fighting, *Vidlor* a *Magister Equitum*, a prudent and wary Captain, advised him by all means to stay for his Colleague, and not hazard that Victory by too much haste, which by the assistance of the *Gallican* Troops, there was little doubt but he might obtain.

17. He, as it happens in such cases, when Princes are advised to various courses, took that which most suited his own Inclination, being by some Flatterers persuaded to prevent the Honour which might accrue to his Nephew by the Engagement, and to wear the Laurel alone. While matters were preparing to put in execution what he had resolved; a Christian Priest (*Prebyster*, *Ammianus* tells us they called such) and some others arrived with a Message from *Fritigern*, by which in an humble manner he desired, that he and his Countrymen, who had been driven from their own Seats by fierce and Barbarous Nations, might be permitted to inhabit *Thrace*, and enjoy the Cattel and Fruits there found, which if granted he promised Peace and all good Offices on their part. This the Christian (so he terms him) openly delivered with the rest, but he had other secret Instructions and private Letters from his King, who therein in ambiguous terms seemed to desire of *Valens*, that he would bring his Army into the Field, and awe the *Goths* by the terror of his Imperial Name, without which they were not to be kept in any decorum. The Messengers were dismissed as persons not to be understood; but not long after on the fifth of the *Ides of August*, in all haste Orders were given for the Army to march; all the Baggage being sent into *Adrianople*, there to be kept with the Governour and Consistorial Counsellors. By noon they discovered the Barbarians making an hideous Noise, as their Custom was, to Battle and the *Roman* Captains put their Army into a posture of fighting. The right Wing of the Horse they placed in the Van, for the left was not yet come up, and as it marched with all vigour and speed some of the Barbarians were affrighted with the Noise, and some of them that lay further off with *Alathem* and *Safracer* sent to the Emperor, and in a slow desired Peace. He despised them as an abject and base People, and required those of the chiefest of them to be delivered up for Hostages; but they by feigned Excuses drew out the time in length, and delayed till their own Horse could arrive, which hourly they expected, with a further design, that the *Roman* Souldiers might be spent with the Heat of the Season, now increased by the multitude of Fires which they had industriously kindled throughout the Countrey, as well as starved for want of Victuals.

18. But *Fritigern* further to amuse the Emperor, sent and promised to bring all his Forces over to him, together with all things necessary for the Army, onely he required that some Noblemen might speedily be sent as Hostages to him. The Message being acceptable, *Equitius* a Tribune, a Kinsman of *Valens*, and who had the Charge of his Palace, was designed for one, but he refused the Employment, as having had too much Experience of the Extravagancy of the Barbarians when Prisoner with them, for he had made his Escape from *Diballum*. Upon his refusal *Richomer* freely offered himself to it, as becoming a man of Courage and Resolution, who as he was going to the Enemies Camp, certain Archers and others, com-  
manded

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cavalry off  
first.

Scct. 2.  
Certain Ar-  
chers rashly  
begin the  
Battle.

The most  
dreadful, and  
bloody of all  
others.

manded by *Bacurius* an *Iberian* and one *Cassio*, out of a too earnest desire of fighting fell in upon the *Goths*, and through their rashness gave an ominous beginning to the War. For hereby was frustrated the worthy Design of *Richomer*, who was not now permitted to pass, and the *Gothick* Horse being come up under Command of *Alathem* and *Sarface*, together with a Party of *Alans*, with great violence fell from the Mountains, and bore all down that stood in its way. The *Romans* at the first Onset were overpowered, and great slaughter followed of them, though they made as manful Resistance as could be expected; which procured a Battle of that violence and resolution, that the Historian compares it to a raging and increasing Flame of Fire, as also to a Fight of Beaked Gallies, agitated both by the voluntary Trustion of each other, and the motion of the Sea. The left Wing broke through as far as the Enemies Carriages, and had done more if any Assistance had come; but forsaken by the rest of the Horse, was oppressed utterly by the Numbers of the Barbarians, which so crowded upon them, that scarcely could one of them draw his Sword, or pull in his hand again when once stretched out. The Dust was so great, that it intercepted all prospect, so that none could be aware of or prevent his being killed or maimed by the Enemies Darts, and by so vast multitudes were the *Romans* hemmed in on all sides, that there was no opportunity of flight, which made them out of desperation to contemn Death, and to sell their Lives at a very dear rate, though the *Goths* seemed fully as resolute as they. For If one of them had his Hand cut off, so that he could not use a Weapon, or had his Legs so mangled that he could not stand upright, yet when conflicting even with Death, would he with rolling Eyes and a grim angry Countenance, shew with how great fury and desire of Revenge he was possessed. Through this mutual Contention, and pertinacious Humour, the Ground was all covered with heaps of dead Bodies, and the shouts of those that fought were not heard, by reason of the loud cries and lamentations of the dying. The *Roman* Foot, utterly spent by the toil and heat of the day, having now neither strength, hope, nor discretion left them, and having broken their Pikes betook themselves to their Swords, and like mad men rushed amongst the Multitudes of the Barbarians, till such time as they could not hold their Feet, (so slippery was the Earth rendered by the Streams of Blood that now ran every way) but fell upon dead Carcasses, which by this time they trampled on without horror; so familiar had Custom made the sight, how dismal soever. The Sun was upon his entrance of *Virgo*, and therefore his Heat, added to the weight of their Weapons, rendered their Thirst, as well as their Arms, insupportable.

19. In conclusion, the *Romans* were overpowered, and forced to fly as they could; which *Valens* perceiving, while every one shifted away as privily as he could, he betook himself in great fear and anxiety to the *Lancearii* and those called *Mattarii*, who had endured the shock without giving the least ground; at which *Trajan* cried out, that the Emperor deserted by his Guards would be utterly lost if not speedily rescued. Hereupon *Vitor* with all speed hastened away to fetch some *Butavians*, who had been placed as a Reserve to the relief of the Prince; but by this time there were no such men to be found: So that disappointed he went his way, as in like manner *Richomer* saved himself by flight, together with *Saturnius*, whom *Valens* had preferred to the Dignity of *Magister Armarum*. The Pursuit was vigorously prosecuted by the Barbarians, who spared none that yielded, but quitted those that made resistance; and the flight of the pursued was hindered by the multitude of dead Bodies filling the ways, yet indifferently secured by the darkness of the following Night, at the beginning whereof in the twilight it is thought, the Emperor himself fell amongst the common Soldiers, by the shot of an Arrow: But in what way he miscarried there's no certainty, for his Body was never found, neither was there one alive that could say he saw him, the Enemy hovering long upon the place, as intent upon the Spoil, so that none durst approach it to make any discovery. In like manner *Decius*, one of his Predecessors, in a Battle fought with Barbarians, was cast from his Horse into a Bog, and never could be recovered nor found. Yet was it reported, that *Valens* died not upon the very spot, but was conveyed to a Countrymans House near at hand, which being very defensible by reason of its large Roof, when the Barbarians for some time repulsed knew not the Quality of the Person, and were diverted by thoughts of greater Booty, they set fire to it, and burnt him and it both together. That one of his Attendants leaping out of a Window, and being taken, told the unwelcome News to the *Goths*, (who were much troubled they had not got into their hands the *Roman* Emperor alive

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\* *Parapros  
cultus, abjan-  
tibus, item Va-  
rentis  
Erastian, de  
Claudian, de  
Bello Getico,  
alio.*

Scct. 3.  
Others of more  
slain.

With two  
others of the  
Army.

Valens his  
Character.

alive) and afterward escaped with it to his Fellow Subjects. After the same manner came one of the *Scipios* to his end in *Spain*, being burnt in a Turret to which he had fled, by the Enemy: And it's certain, that neither he nor *Valens* obtained Sepulture, the last mark of Honour and Respect. Amongst many other Eminent Persons that perished in this Action, *Trajan* and *Sebastian* were very Famous, and with them fell five and thirty others they called *Tribuni Vacantes*, besides other Officers; and *Valerian* and *Equitius*, whereof the one being his Kinsman oversaw the Stable, and the other the Palace of the Emperor. *Potentinus* the Tribune of the *Promoti* was greatly lamented, being a person very acceptable, a young man in the flower of his Age, of singular hope, and recommended not only by his own, but also by the Merits of *Orfilius* his Father, who with approbation of all good men had executed the Place of *Magister Armarum*.

20. It's certain that the third part of the Army hardly escaped, neither did any other Defeat (except that of *Came*) equal this Overthrow, in the Opinion of *Ammianus*, with whose Relation concerning this War, the Original and Issue of it, most Writers do agree. But as to what he writes concerning *Valens* his envying the Vertues of his Nephew *Gratian*, other Reasons of his sudden fighting may be added. He was displeased that *Valentinian* being made Emperor without the Knowledge of either of them, *Gratian* had confirmed his Election without his Advice, and had shared the Empire with him, as *Emapius* related in his History; who also alleged this as the principal Motive to his receiving the *Goths* into the *Roman* Pale; and possibly a disagreement about matters of Religion, (*Valens* being a great Favourer of the *Arians*, and *Gratian* esteemed a most Christian Prince by the Orthodox Party) might increase his displeasure. The Defeat is by *Orosius* attributed to the flight of the *Roman* Horse, which by deserting the Legions exposed them to the fury of those Multitudes that overpowered them by their Numbers. What *Ammianus* writes concerning *Valens* his perishing by the shot of an Arrow, is affirmed also by *Libanius*, who makes him to have fallen in the throng of his Souldiers, though he wanted not Horfes swift enough to convey him speedily out of the danger, and his Captains pressed him earnestly by a convenient flight to escape and preserve himself for better times, and the good of the Commonwealth. But he thought it a thing not by him to be practised, to endeavour to overlive so great an Overthrow, and for a Tomb obtained an heap of old Souldiers as fell with him. Yet most other Historians consent to that other Relation, of his betaking himself to the Cottage, and there being burnt together with his Followers. However it was, at this time and place, viz. about eight or twelve miles from *Hadrianople*, he died, now drawing near the fiftieth year of his Age, when he had reigned fourteen Years, four Months, and some Days, on the third or fifth of the *Ides* of *August*.

21. This must be said in his Commendation, that he was a faithful Friend, a severe Punisher of Ambitious Practices, a rigorous Examiner of both Civil and Military Discipline, most careful always and vigilant, lest any through pretence of Relation or Kindred to him, should procure Preference; both as to bestowing, and removing from Employments he was rather too slow, a most just and watchful Guardian of the Provinces, for each of which he took as much care as if it had been his own Family; for he industriously set himself to ease them of the Burthen of their Tributes already imposed, and as for new ones he suffered none to be laid. Moreover, if for Tributes in *specie* Money was to be paid, he was no whit rigorous as to the Summe. To Thieves and Corrupt Judges he was a sharp and vehement Adversary, and in this respect the East was more happy in him, than it had been in any other Prince before him. He was Liberal with a sort of Moderation, as in many other matters appeared, so also in this, that when his Courtiers begged any thing, he would give him that had a title to the Estate time enough to defend himself, and in case it proved his own and he might bestow it, with him that begged it he would joyn some others that were absent, by such disappointment to repress the confidence of those that gaped after the Wealth of other men. Many Cities and Towns he beautified both by raising new Buildings, and repairing such as were fallen to decay. Such were his Vertues, which received on the other side great Allays. He coveted Wealth very intemperately, was impatient of Labour, was harsh as far as Cruelty it self, of a clownish Humour, as neither cultivated by any Liberal Studies nor skill of Arms. He cared not who smarted, were but his Designs accomplished; and if he could but fasten Treason, or the Contempt of his Majesty upon any, he far exceeded all Moderation both as to Blood and Confiscations. In this respect his Government seemed

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Vide *Annals*.  
*Valens* in  
*Ann. lib. 31*

Wherein *Vic-*  
*timus* carries  
it's uncertain  
how.



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most intolerable, as also in another Effect of the same Cause; for though he pretended to refer all Causes and Questions to the decision of the Laws themselves, and would delegate particular Judges to certain Affairs, yet never suffered heavy thing to be done contrary to his own lust and will. He was choleric and abusive, received all Accusations readily, whether right or wrong. He was slow and unactive, of a swarthy Complexion, and the Pupil of one of his Eyes covered, yet so as it was not much to be perceived. His Limbs were compact and firm, indifferent was his Stature, his Legs bowed, and his Belly something prominent.

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22. This Character of *Valens* his Mind, the Reader may remember to have been sufficiently confirmed by the precedent Account of his Laws, which shew his Humour and Disposition much as it is described to us by *Ammianus*. By conduct of this Author we have traced his Actions so far as related to War, from the death of his Brother to his own decease; but as to the Civil State we must take a further View of what was done by him and his two Nephews and Colleagues. They after their Fathers Death divided the Empire of the West betwixt them, that to *Gratian* fell *Gall, Spain, and Britain*; and to *Valentinian, Italy, Illyricum, and Africk*. Yet was not this Division made at first, and it must be known, that whereas there are extant in the Codes seven and thirty Constitutions, bearing Date from the CCCLXXV Year of our Lord, or that wherein their Father died, to the Year CCCLXXIX, or that wherein *Theodosius* the Younger, but only of *Valens* and *Gratian*. The mighty Care which *Valens* had for the Provinces, to protect them from Spoil and Rapine, as well of his own Officers as of the publick Enemy, may further appear from the Laws which we have not yet mentioned, and confer much to the fuller understanding of the state of those Times. The very Year his Brother died he directed from *Antioch* a notable Edict to *Modestus* the *Præfess*, concerning the furnishing of *Troves* or new Souldiers. Herein he declares, that the Burthen ought to lie upon Possessions or Lands, and not personal Estates, although certain Ranks and ranks of Men were liable thereunto, as *Senators, Honorati, Principales, Decuriones, the Officers of Magistrates, or the like*.

Vid. C. de  
Theodosius. ad  
An. 375.L. 7. de Troves  
ubi, Cod. Th.  
Arist. a Col.  
Jul.Laws made  
by him after  
his Brothers  
Death.A 2 Edict  
concerning  
raising new  
Men or Tro-  
ops.

And whereas there was an Employment called *Prototypia*, which who so executed, it was their work to hire or buy these Souldiers, and let them at such a rate, or make the Provincials pay such a Summe of Money for each, he abolishes this Office as grievous and vexatious to the People, when it happened that those whom it concerned had no Sons of their own to put into the Service. In the next place he nulls all Privileges granted to any persons to excuse them from this Charge, that so it might lie wholly upon Possessions; as to which, such as had lost them should not bear the Burthen when the Emolument was gone; and if they had but small Estates, or not amounting to the value of the Expence, as here it is the Custom with us in the *Militia*, two or more should joyn together in the furnishing of one Souldier out, one being at the Charge this Year and the other the next; or if Money was to be paid, instead of the Souldier, each of them was to contribute his share. Then doth he settle and establish the Price or Rate of a Souldier to be six and thirty *Solidi*, and fix over and above towards his Clothes and Expences; which Rate at several times varied according to the pleasure of Princes, or the scarcity or cheapness of things. And for the Encouragement of these *Troves* and those that sent them, he declares, That when they were listed in the Army, if they well demeaned themselves they should receive the first Year Immunity from the ordinary *Census*, and having served even, obtain the same Indulgence for their Fathers, their Mothers and Wives; if so be they served amongst those called *Comitatenses*; but if they lay upon the Borders, or were listed among the *Ripenses*, then they should have only this Privilege for their Wives. For the *Comitatenses*, as we have said heretofore, were reckoned in place before the *Ripenses*, and greater Strength and Stature was required in one than in the other. And as soon as *Troves* or new Men were levied, they were not presently put into the Army, or mixed with the rest; but to supply the Numbers of such as were missing, he ordains the Army be reinforced with the *Adscriptores* or *Inscriti*.

23. He had Ministers (as we have seen) rapacious and cruel, yet however he himself might be extravagant this way towards particular persons, yet would he restrain his Officers in any courses tending to the detriment of the Provinces. Therefore did he repress *Fortunianus* his *Comes Rei Private*, whom *Ammianus* brands with the Name of a Troublesome Exactor, even in a matter which tended brands

to

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He reprehends  
the Avarice of  
his Officers in  
a thing where-  
in his own  
Gain was  
concerned.A just Edict  
concerning  
the furnishing  
of Souldiers  
Clothes.An indulgence  
one concern-  
ing Children  
of Senators.Against Abus-  
es committed  
by Under-  
Treasurers.For the Or-  
nament of  
Cities.

to the filling of his own Coffers. It happened sometime, that amongst the Papers of persons condemned, or whose Estates were confiscated, some Writings were found which mentioned Debts due to them from other men, though no Bills nor Bonds were to be seen, nor any Witnesses therewith of any such Obligation. By an Edict directed to him he declares all such Notes to be Null in Law, it being calie (as he saith) by such means to make any man ones Debtor. Which Edict is transcribed by *Tribonian* into *Justinian's* Code, and being by him something interpolated and altered, is accommodated also to the Causes of private persons, no such single Note deserving any Credit to be given to it, no not where the Emperor or his Treasury were concerned. This Constitution bears Date from *Heraclius* in the Province of *Euphrates*, on the fifth of the *Ides of August*, of which fame Date from the same place he directed another to *Modestus* the *Præfess* of the East, concerning the annual furnishing of the Souldiers Clothes through his five Dioceses; these were *Thrace, Egypt, the East* strictly taken, *Asiana, and Pontica* in all which he ordains, that every thirty *Juga* or *Capitations* of Land shall find one Suit of Apparel, except in four Provinces of *Thrace, viz. Europe, Thrace, Helimonia, and Rhodope*, in which every twenty should find the like. Herein he sheweth himself very just and equal, which the Histories of the Times sufficiently make out unto us. For, the other two Provinces of *Thrace*, in particular wherein declares the number of Thirty is to be observed, were now overrun by the *Goths* and *Huns*, as we have seen. He observes a difference between the Customs of the Provinces of the East; properly so called; for two of them (*Ostrogoths* and *Isauria*) found Souldiers Clothes in kind, but the rest paid Money in the room of them; as *Palestine* amongst the rest, which shortly after was divided into three Provinces. Now we may take notice that these five Dioceses took up the whole District or Share of the Empire belonging to *Valens*, *Valentinian* having in the Division retained all the residue to himself, and therein all *Illyricum*. And hence possibly arose the Disagreement betwixt *Valens* and his two Nephews mentioned by *Eusebius*, which provoked him to receive the *Goths* or *Scythians*, as they are also termed, into the *Roman* Pale. At this same City he was further so induced, as to enact by another Constitution this same Year, That the Children of Senators (Male or Female) should not, if born before they arrived at that Dignity, be liable to the *Glebalis Collatio*, although in matters of Privilege they were esteemed Children of Senators, both as to Honour and other Emoluments. Further to discourage Abuses in matters of Money, wherein the Provincials were so very much concerned, he ordained also this Year at *Antioch*, That such *Treasurers*, or those that served under the Treasurers of Provinces, as should be found faulty in their Accounts, should never be suffered to serve in that nature again, nor yet admitted to any other Service; neither those that were still in the Service be permitted to pass over to any higher Employment, lest having such refuge they might be encouraged to betray their Trust. For there were three sorts of Treasurers having the title of *Comites*: The first was *Illustrious*, viz. the *Comes Sacrarum Largitionum* of the West or the East, as *Titian*, to whom this is directed; the second was *Comes Theaurorum*; *Comes Largitionum*, or *Largitionarius Titularum*, who was Treasurer over the whole Diocese, as that of *Thrace, Italy*, or the like; and then the *Præfess* or *Præpositus Theaurorum* in each single Province, whose care it was to receive, keep safe, and transmit the Revenue. Of his great care for the Ornaments and Lustre of Cities, there is further another Law made by him this Year, and extant, though not in that of *Theodosius*, yet in the Code of *Justinian*. It commands, That all *Civitates* of Cities be constrained either to repair their old Houses, or to build new ones, and therein dwell and attend the Services of their Corporations, as well as contribute toward the Populousness and Opulency of the Towns. And if the Inhabitants were not of the *Civitates*, or Corporation, he obliges them yet to repair such Houses as they dwell in, if decayed, and rebuild them if fallen down.

24. To bid Farewell to *Valens*, after his Reign of fourteen Years, four Moneths, and odd Days; and come to the Administration of *Gratian*. He (as we said before) during his Uncles Life, although his Brother *Valentinian* was declared Emperor, yet governed the Western Parts thereof alone; as appears from the Laws dated for the space of three Years from *Trier* and *Mogontiacum* or *Metz*; whereas there are not any that own the other for their Author. After his Fathers Death he continued long at *Trier*, and for about a Years space had *Maximinus* or *Maximus* for his *Præfess* *Pretorio*; but to expiate all his Villanies he was

then

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A.D. 376.L. 3. de Fidei  
Dubitacione,  
Cod. Th. l. 6.  
Jul. 5. sed.  
Jul. 5. sed.  
Jul. 5. sed.A.D.  
377.L. 3. de Milli-  
tariis, Cod.  
Th. 7. l. 2. Cod.  
Jul. 5. sed.  
Jul. 5. sed.  
Jul. 5. sed.L. 1. de Sena-  
toribus, Cod.  
Th. l. 6.  
Jul. 5. sed.L. 4. de di-  
visione, Cod.  
Th. l. 6.  
Jul. 5. sed.  
Jul. 5. sed.  
Jul. 5. sed.L. 8. de Edi-  
ficiis, Cod.  
Th. l. 6.  
Jul. 5. sed.  
Jul. 5. sed.



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he ordains, that if so be the Accuser would resolve to prosecute the Accused in a Civil Action, the Duty of the Judge should be, not to Condemn the Party cast, in more than the Victor was endangered, but yet when the Trial was past, then to exert his Authority in punishing either Forgery or false Accusation, as the Nature of the Cause should require.

He takes care  
that Gall be  
furnished with  
fit Professors.

27. *Gratian* lying at this time at the City of *Trier*, took Care that the Cities of *Gall* should be furnished with fit Professors, by a notable Edict directed to *Antoninus* the *Præfessus Prætorio* of that Diocese. "He commands that Rhetoricians and Grammarians, both of the *Attick* and *Roman* way and Learning, be instituted in every *Metropolis*; by *Attick*, as afterward he explains himself, meaning *Greek*; for *Athena* as in former Ages, so also in this whereof we write furnished with the Profession of good letters as appears by many Testimonies. Here Studied *Julian* the Apostate, *Procerclius*, *Melantius*, *Hemerius Libanius*, and others of Pagan Persuasion; and of Christians, *Gregory Nazianzen*, *Basil of Cesarea* in *Cappadocia*, and *John Chrysostome*; and indeed, the Youth was sent from all quarters to this still flourishing University, as I may term it. But, Persons that are of *Franco-Gallick* Original here move a question, what need there was, that *Gratian* should take this Care? seeing Learning already flourished in *Gall*, which Antiently was furnished with many Academies and Professors. They Cite what *Cato* said of old, concerning the Acute manner of Speech of this Country, with whom *St. Hierome* Accorded, when he wrote, that it always abounded with most Eloquent Men. They urge the old Contest concerning *Greek* and *Latine* Eloquence before the Altar at *Lyon*, and hint to us the Account of Learned Men, and especially of Rhetoricians given by *Pithæus* in his Preface to *Quintilian*. They tell us, the Designe of *Constantius Chlorus* is sufficiently known concerning the School of *Augustodunum*, over which he set *Eumenius*, whose Oration concerning the Erecting of Schooles, is still extant, when before this, there was an Antient Academy at *Messila*, and another at *Adua* under *Tiberius*. Moreover, *Symmachus* acknowledgeth, that he received the Rudiments of Rhetoric from an old Man that Inhabited, or was borne near the *Garmna* or *Garonne*, and how much he was beholden to that Country, upon this Account. Nay, from the same *Symmachus*, who lived at this time, it is evident, that under *Gratian* himself, the Studies of *Gall* exceedingly flourished, and that thence, Rhetoricians were sent for to *Rome*, as *Palladius* amongst others. The Professors of *Bourdeaux* are moreover known, as commemorated by *Ambrose*, who speaks also of *Toulouse* and the Schoole of *Narbonne*, as also of *Vesontio* and *Lyon*, all which, say they, were famous before this Constitution of *Gratian*. They themselves answer for him, that though there were many Schooles in *Gall*, yet being much taken with the *Gallick* Eloquence, which also he had himself imbibed, and daily, where he lived, Converſing with Learned Men of this Country, he resolved yet farther to Promote it, as much as possible, first by Ordaining Professors in all notable or most Populous Cities; for by *Metropoles* in this Law they will have them meant, and not the word strictly taken for the Principal in all Provinces; the number of which, yet at this time they say increased. But the principal Reason they assigne is, because *Gratian* now resolved to appoint fixed and constant Salaries to the Professors out of the *Fiscus* or Treasury, as *Constantius Chlorus* appointed an Allowance to *Eumenius* out of the Revenue of *Augustodunum*.

28. And indeed, the Cities in the Provinces were wont to pay Professors their Wages themselves, and *Gotthofred* tells us, that by this Law may well enough be meant the Revenues of them, so as this Law may be thus interpreted, that *Gratian* would have them to maintain their Professors; but by a certain Allowance now prescribed by him, not left at random to their own Discretions, who, he might presume, would make the best market they could one way, as *Ambrose* complained, and *Libanius* particularly, concerning the Rhetoricians of *Antioch*. He thinks the Designe of the Emperor was to leave the Election free to the Citizens: but to assure the Professors a constant and certain Maintenance by his own appointment, as *Constantius* before him ordained the Corporation should give Salary to none, but whom he appointed. Now the Allowance set by this Law, is, to the Orators twenty-four *Annone*, or daily Provisions for so many Men, and to the Grammarians twelve, being a smaller Number; but to a Rhetorician of the City of *Trier* (at this time of *Gratian*, the *Metropolis* of *Gall*, and the Seat of the Emperours and of the *Præfessus*

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L. 11. de M.  
diti & Prop.  
filius dat. 11.  
C. 1. Jan. Cod.  
7. lib. 13. tit.  
3. de off. 2. 11.

Vide Gotthof.  
in d. L.

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*Prætorio* in that Country) he assigned thirty, to a *Latine* Grammarian twenty and to one of *Greece*, twelve; and that out of respect to the eminency of the place. But here we must needs take notice that but two sorts of Professors are mentioned in this Law, viz. *Rhetoricians* or *Orators*, and *Grammarians*; for as yet in *Gall* there were none that professed Philosophy, or the laws, to learn which the Youth travelled to *Rome*. But we are not by *Grammarians* to understand such as taught the first Rudiments of language only; their Province extending much further, as including almost whatsoever there was of more Polite literature; and to be sure *Philology*; although in this Edict they be set after and allowed less salary than *Orators*. So much for the Edict it self which we find directed to *Antonius Præfessus Prætorio* of *Gall*, as several others are, who two years after was preferred to the same dignity in *Italy*, and was in *Gall* succeeded by *Ausonius*, whom *Joseph Scaliger* by a mistake would substitute for him, and, erroneously, have the Name of *Antonius* to be blotted out. "The Emperor tells him he will have the former Rules observed throughout all the Diocesi committed to his Magnificence; whence is observed that to the *Præfess* of *Gall* at this time did only one *Diocesi* belong, though the *Præfess* *Prætorio* otherwise had several under their jurisdiction, as we have seen heretofore, and three sometimes under the disposition of him of *Gall*, viz. *Gall* it self, *Spain*, and this Island of *Britain*. But *Spain* at this time was governed by a *Proconsul* of its own, and was subject to no *Vicar*, and not under any *Præfess* (as the very name of *Vicar* doth import) though shortly after it returned to that form of Government, as appears both from *Ennapius* and *Sulpicius Severus* his History. And *Britain* probably was from the time of the General *Theodosius* under the same sort of Officers, which may be guessed partly from the Example of *Spain*, and partly from this Law, which gives to the *Præfess* of *Gall* but one *Diocesi*. So that they are much deceived who think the Administration of one *Diocesi* below the Dignity of *Illustrious* Persons. For the *Præfess* of the City of *Rome* had but one *Diocesi*, viz. the *Suburbicarian* Regions lying within an hundred Miles; and after these times no doubt there is but that *Præfess* *Prætorio* were content with one *Diocesi*, as under *Justinian* he of *Asiack*.

He gives the  
Præfess of  
Rome place  
above others  
in the City.

It kind to the  
Discretions.

29. At this time was *Rufinus* *Præfess* of *Rome*, to whom *Gratian* directed another Edict of this year, whereby he gave him precedence over all other Dignitaries in the City. He staid not much longer in his Office, being in the latter end of the year succeeded by *Gracchus*, who continued *Præfess* also the year following. To this *Gracchus* is directed a Law, said to be had in *Seldens* Copy, dated in the first of *December*, which forbids "That any man be judge in his own Cause, for the same reason that no man can bear witness in his own behalf. The Emperor decrees it generally so, as no sort of Person excepted, not *Maximinus* himself who is thought to have been principally aimed at in this Constitution also, upon report or consultation of *Gracchus*, now *Præfess* of that City, wherein several ill things were at this time reformed, and particularly relating to Religion. Now indeed there seems to have been much insolence and severity used by Judges; and possibly by the Example or Procurement of *Maximinus*. For, *Gratian* not long before this in the same year found reason to proceed further for the liberty and honour of *Curiales*, or the Officers of Corporations, invaded doublets by some who executed authority over them; which were no other than the Governours of Provinces. He sent an Edict to the same *Antonius Præfessus Prætorio* of *Gall*, whereby he commands "That all *Decuriones* be free and exempt from the *Fiducule* and *Tormenta*, although any of them had spent the publick money, or had demeaned himself fraudulently and extravagantly in a publick Office; for although great care ought to be had of Tribute or publick Money, as also of the publick Discipline, yet might they be established by others, besides bloody means. But from this Immunity he excepts Persons guilty of two sorts of Crimes, whereof the one he expressly declares to be *Treason*, and the other not to be spoken of, but thought to be in degree and importance next unto it, as namely the crime of *Magick*. He also distinguishes between *Fiducule* and *Tormenta*, and these they called *Plumbate*, from the froaks of which he will not have guilty or criminal *Decuriones* to be exempt, which Privilege yet was afterward indulged them in the East, but again not long after revoked, and the old Law introduced afresh. Yet by this Constitution he grants this Immunity to ten of the chief of them, and he wills also that it be moderately used towards the rest that were subject to this pain, as not to be inflicted but upon highly criminal persons and Publick Debtors. Those *Plumbate* however were laden Bullets tied to Whips or Thonges, wherewith some were corrected for amendment, and others punished, so far, as often death ensued thereupon.

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L. 3. de Offi.  
Præfess. C. 1.  
C. 1. Jan. Cod.  
7. lib. 13. tit.  
3. de off. 2. 11.

L. 1. de Offi.  
Præfess. C. 1.  
C. 1. Jan. Cod.  
7. lib. 13. tit.  
3. de off. 2. 11.

L. 2. de quæ-  
stionibus Dat. 15.  
C. 1. de Offi.  
Præfess. C. 1.  
C. 1. Jan. Cod.  
7. lib. 13. tit.  
3. de off. 2. 11.



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wounds; when Day came they were much distracted in their Councils what to do, but at last resolved to seize upon *Perinthus*, and breaking up their Camp laid all waste in their Passage; which as soon as they within *Hadrianople* perceived, by those they could trust, with all diligence they hastened away with their Wealth as they could, not by the Common Roads, but by-ways to several Quarters. Some towards *Philippopolis* and so to *Serdica*, and others towards *Macedonia*, thinking about those parts to find out *Valens*, of whose Death they had not received the least intimation. In the mean time the *Goths* with the *Huns* and *Alans* their Confederates, two stout and Warlike Nations, which *Frigitern* by great promises of Booty had cunningly drawn into their Party, encamped themselves before *Perinthus*, yet smearing with what they had left before *Hadrianople*, they dreaded so much as to approach the City; but waited that fertile Country far and wide, the Inhabitants whereof they either took or killed. This done, they passed on towards *Constantinople* in four square Bodies, for fear of being surprised, hoping to be Masters of the great wealth they knew to be in that City. But so Providence ordered it, that when now they began to press toward the Gates, a Party of *Saracens* lately sent for thither (as that People were more dextrous in sudden Attacks, than in set and pitched Battels) fell out on a sudden upon them, and after an Earnest Dispute came off on equal Terms, though by a strange Fate committed by one of their Number, they seemed to have the better of it. A man with long hair hanging about him and all naked, but his Privy parts, with an hideous noise, and a Dagger in his Hand, ran into the midst of the *Goths*, killed one of them, and setting his Mouth to the Wound, sucked his Blood; with which so Prodigious a Spectacle the Barbarians were quite daunted and in a far different humour than formerly, began to consider the State they were in, and marched very warily. For, perceiving the great Compass of the Walls, (by reason of so many Islands taken in) the strength of that beautiful Place, and the vast Number of its Inhabitants, they razed the Fortifications they had made upon the Streight, and having lost more Men than they had killed, they departed through the Northern Parts as far as the Foot of the *Alpes* then called *Julia*, but to Antiquity known by the Name of *Veneta*.

They approach *Perinthus*.

They face one another.

Julian in the Eastern Parts out of fear of their joining with them puts their Country men to the Sword.

Amianthus Marcellinus concludes his History.

His Birth and Breeding.

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34. Yet by this their bold Attempt, they brought more mischief upon others their Country men, than upon themselves. For when it was noised up and down how miserably *Thrace* had suffered by them; the Eastern Provinces began to quake and tremble, as expecting the Storm would presently be at their own Doors, which caused *Julian*, a *Magister Militum*, beyond the Mountain *Taurus*, to venture upon a safe and wholesome, though sharp and severe Course, to prevent so great a mischief as might happen. There were multitudes of *Goths* dispersed also through divers Cities and Castles of these Quarters, though headed by *Roman* Officers; a rare thing, *Amianthus* writes, in those times. For fear they should rise and side with their Countrymen if they came that way, he thought it safest by secret Letters to their Officers, to Order that they should all be put to the Sword on one and the same day, when under colour of receiving their Pay, they were drawn out into the adjacent Fields; by which Prudent Council, Executed without either Noise or Delay, the Eastern Provinces were delivered from very great Dangers. So *Amianthus Marcellinus* ends his History, which being a Soldier by Profession, and a Greek by Descent, from the Principality of *Norva*, he had, according to his Ability, he said continued till the Death of *Valens*, a work which should pretend to tell Truth, as never to his knowledge, suppressing anything by Silence, or enlarging Narration by any Lies. He ends it with Advice, so such as flourished with Learning, and whose Age rendered them more proper for it, to write what remained; and if they thought fit to undertake the Task, he desires them to wet their Tongues, (so his Expression is) to a greater Style.

35. This is all at parting, he said of himself; but sensible of the Assistance he affords us to the History of the Age, whereof we write, we cannot, out of gratitude to his Memory, so take our Leave of him. He was born at *Antioch*, and we have ground to believe, of Noble Parentage, serving the Emperor in his Youth, as *Domestick Protector*, to which Employment few or none but the Sons of *Duces* and *Comites* were admitted; and we are told, that *Constantinus Chlorus* and *Jovian*, who were afterward Emperours, as also *Gaudentius* the Father of *Aetius* took thence the Rise of their Military Employments

Sect. 3.

His Employment.

He writes his History at Rome.

Liberian his Letter to him.

His History was published in parts.

ments and Preferment. It was the Ambition, as we have seen by the Laws, of all other Soldiers, even of the *Veterans* or *Emeriti* to be advanced to the place of *Protector*, which *Amianthus* arrived at, even in his Youth. Now, whereas it was the Custom for some of these *Domestick Protectors*, to Attend for the Security of the Princes Person, and others were sent with the *Magistri Militum* into the Provinces; *Marcellinus* was by *Constantine*, as he writes himself, ordered to Attend *Ursinus*, the *Magister Equitum* in the East, with whom he returned to *Milan* and followed him into *Gall*, to suppress the Tyranny of *Siloanus* which happened in the year CCCLV. And when *Ursinus* was sent back again into the East, our Historian did not forsake him; where, in what Battels he was present, at what Sieges, what Dangers he incurred, and how otherwise employed; He himself relates, and we from him have already shown. After the Death of *Constantine*, he went in the Expedition of *Julian*, against the *Persians*, and therefore being an Eye-witness of what passed, we have much more reason to follow him in our Narration of that War, than *Zosimus*, or any other. During the Reigns of *Valentinian* and *Valens*, what Course of Life he followed, cannot well be told; but that when the Empire was devolved upon *Gratian*, *Valentinian* the second, and *Theodosius*, he left the East, and went to *Rome*; whether or no called by the Emperour, is uncertain. However, he made no Advantage of the Place, for indulging a Luxurious or Idle Life, as most Persons did, that there chose to Sojourn; but applied himself to Study, and the Conversation of most knowing Persons; as sufficiently is known from the one and thirty Books of History which he wrote.

36. That he wrote this History at *Rome* appears from several Evidences; as from his severe Invectives he makes against the Behaviour of the Citizens; of which he takes notice and not that of other places, however virtuous enough. He refuses to set forth the Calamities of that City, left what happened to *Phrygius* should fall to his Lot, who taking for the Plot of a Tragedy, the Siege and loss of *Miletus*, which was a Colony of the *Athenians*, was by Decree of the People of *Athens* heavily censured. But to evince his living at *Rome*, *Valerius* who has made very learned Annotations upon him, produces a Letter out of the French Kings Library; written to him thither by *Liberian* (that eminent Sophist of this Age) which because it contains matter tending to the Renown of our Author, he thought fit to exemplify, and we cannot but take notice of what's therein contained. "He begins with congratulating with him that he was at *Rome*, and with *Rome*, that she was possessed of him; him, for that he dwelt in that City, the like to which the world could not shew, and her, because she had him, such an Inhabitant as was nothing inferior to her own Citizens, however defended from no less than *Heroes*. He tells him it would be very much, if he, there hearing others recite their works, as the Custom was, should in so great a City himself keep Silence; for as much as *Rome*, even at that time, had also her Orators, who not at all degenerated from their Fore-fathers. But, he saith he had heard from such as came from *Rome*, that He also had published, or recited some of his History, which was divided into several Parts; and he perceived that the Applause he had got by that, invited him to the publication of the rest. Moreover, that *Rome* it self Crowned his Labours, and the Judgment of the whole City was, that as He excelled some, so he was not out-done by others. He adds, that things of this Nature, did not only grace a Writer of Histories, but gave Reputation to the Country that brought him forth. And he bids him proceed, to recite what was behind, and receive that Admiration and Applause which he deserved, and not be wanting to what redounded to the Commendation both of himself, and of *Liberian*, and others of the same Original with him. At last, with Wishes for the continuance of his good Fortune, he bewails his own mishap in losing his only son, no ill Child of a good Mother; although she was not of free Condition.

37. This notable Letter of *Liberian*, not only proves *Amianthus* to have lived at *Rome*, but also, that by Birth he was an *Antiochian*, to which City, how kind he was, sufficiently appears, in his defending the Inhabitants from the Invectives even of his Beloved *Julian*, and the Crimes fastened upon them, in his *Misogogon*. His History we see by *Liberian*, was published in Parts; and, indeed, the twenty seventh Book not till after the Death of *Gratian*, and the Destruction of *Maximus* the Tyrant; and he mentions *Neoterius* the Consul, who bore

not

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Vide Valerium in Pref. ad Iulianum Amianthi Historiam.



Sec. 3.

The Excellency of it.

not this Office till the Year CCCXC. But in his two and twentieth, he speaks of *Scorpius* his Image as yet standing, which was, by an Edict of *Theodosius*, demolished in the year following *Neothierius* his Consulship. Of the worth and Use of his History, too much cannot be spoken. For the Matter thereof, both as to the Argument, Choice and Disposition, and his Judgment and Fidelity therein, it yields to none whatsoever. His words (however) are most of them *Latin*, but the Phrase is *Greek*; and it must not be denied, but it is harsh, and his Style affected, not suitable to that of an History, which should ever be gentle, plain, and simple. But most to blame, is his Affectation of a *faux* of Learning, a Vice as *Valesius* well observes, incident to those who betake themselves late to Study; which makes him break out of the Path of his Narrations, into idle vain and needless Excursions, about the Causes of Earthquakes, Comets, and the like, so as to nauseate the Palate of any one, but meanly skilled in the Delivery of Truth. However, the Faults of his work, are far overmatched by the great Virtues thereof; which commend him, not only to those who desire to know the *Civil*, but even the *Ecclesiastical* Affairs of the time wherein he lived and wrote. For though by Religion, he was a *Pagan*, with such Candor, Modesty and Fidelity, he speaks of matters relating to *Christianity*, that were it not most evident from many passages, that such he was, one might take him for a Man of our own Belief. The Antiquities of the *Frankes*, *Burgundians*, *Alamans* and other Nations, he alone in a manner hath delivered; and if his thirteen former Books had been preserved, though they handled matters much more Concisely, (as therein delivering the History of near thirty Emperours) yet they had afforded us much more light to the knowledge of those dark times. And as those thirteen are lost, the eighteen remaining, though they escaped the Shipwreck, yet underwent to great damage, became so shattered and imperfect, that they deterred many from perusing of them, not only through the Imperfection of the Copies, but the fault of the Publisher, till they fell into the hands of *Lindenbergius*, and afterward of *Valesius*; by whose learned Amendments and Annotations, they have been well restored to their native Lustre.

38. With *Ammianus*, agreeeth *Socrates* the Ecclesiastical Historian, that the *Emperor Valens* being dispatched out of the way in such sort, as no man was certain of, the Barbarians marched toward the Walls of *Constantinople*, and began to destroy the Suburbs thereof. That the People, moved thereat, went out on their own Accord to withstand the Enemy, and every one took what Weapon came first to hand. *Dominica* the Empress, now Widdow of *Valens*, gave Rewards to every one that went forth to Battel, out of the publick Treasury, according to the custome of paying the Soldiers; *Mavia* also, the Queen of the *Saracens*, being in League with the Empire, sent a Party of her Subjects to Aid them, whereupon, the People gave them Battel, and drove back the Barbarians from the City. But *Gratian* receiving word of his Uncles death, and of such things as followed thereupon, as well as the occasion thereof, (and the power and practices of the *Goths*, who dayly committed some outrageous Act against the *Roman* Interest, and by their Example, drew on the *Huns*, *Alans*, and other Barbarous Nations into the Quarrel) marched into *Pannonia*, with as strong an Army as he could raise, to give some check to their presumptuous boldness. But for that He alone could not be sufficient to grapple with so great difficulties and Necessities as at present the Empire struggled with, he began to consider of whom he should make Choice to be Sharer with him in the Care and Burthen, as well as in the Power and Dignity of the Throne.

39. *Gratian* indeed, having received the Newes of his Uncles Defeat and Death, *zastus* lib. 4. from *Victor* the *Magister Equitum*, who with a few more had escaped out of the Battel, went presently to *Sirmium*, there to Consult what Course to take to preserve the Western Provinces. Before well he could have the Report, five or six days after his Uncles Death, he sent an Edict to *Vindiciannus* a *Comes Archistratorum*, and a *Vicar* in some *Dioceses of Gall* (for it was the Fortune sometimes of these Principal Physitians to be intrusted with Governments and rise to high Dignities) whereby he signifies, that He had repealed by his Letters directed to the *Præfets* of these *Dioceses of Gall and Italy*, a former Constitution which gave leave to *Auriegulus* or those that fought for Gold, to pass as many as pleased into *Sardinia*. It seems there was some particular Reason relating to that Island, which occasioned this Indulgence, possibly

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Sec. 3.

Gratian decides a Controversy between the *Præfets* of *Rome* and the *Consulars* of *Campania*.

some new Mine discovered, and thereupon greater encouragement given than usual. But probable it is also, that this Permission was found inconvenient, and that by Reason thereof, the other Mines within the Prefecture of *Gall* were neglected; for such there were there, and also most famous Gold-Mines in *Spain*, as all affirm that write of that Country; besides what they say particularly of the River *Tager*. In *Gall* this Metal was digged, as in the Mountain *Comnenus* under the *Pyreneans*, in the Country of the *Torboli*, and also in the *Alpes*, as *Pliny* and *Strabo* have delivered; however now, and in these latter Ages, *Europe* hath neglected what the hath of her own, and cared only for what hath been far fought, if not dear bought, out of the *Indies*. At the latter end of this same year *Gratian* also thought fit to decide a Controversy betwixt the *Præfets* of *Rome*, and the *Consulars* or ordinary Governor of *Campania*. That part of the Country called *Latium*, and lying near to *Rome*, properly belonged to the Government of the *Præfets*; but either for that he could not be at leisure when need required, or for other Reasons, it had been united to *Campania*, yet so, as to own, and acknowledge still the Authority of the *Præfets*, who, as he received Appeals out of *Campania*, so in things of greater Consequence, was to hear and to determine matters belonging to *Latium* in the first Instance. But the *Consulars* exceeded his Bounds, and so far usurped upon the Right of the *Præfets* of the City, within whose *Diocesis* *Latium* lay, that by an Edict directed to *Antonius*, *Præfets* *Prætoris* now of *Italy*, the Emperour thought fit to declare, that the *Consulars* of *Campania*, ought not to exceed that Power which was given them in a Place under certain Rules and Restrictions; neither Banish any Persons out of their own Province. By virtue hereof, these *Consulars* could neither Banish into, nor out of *Latium*, the general Rule being, that no Governour of a Province could relegate or Banish any one into any place that was not fully in his own Jurisdiction, nor any person any whither, but who was fully subject to his own Authority.

40. *Gratian* being come to *Sirmium*, gathered together all the Force he could make, and therewith having passed through *Pannonia*, visited *Myfia* and *Thrace*, as far as *Constantinople*, where he took Care for the quiet of the *East*, and the Limit of the *Danube*. But now standing in need of a good Commander, there had been so many lost in the late War against the *Goths*, he pitcht upon *Theodosius*, the Son of that *Theodosius*, by *Thermania*, who Commanded as General, with so great Success both in *Africa* and here in *Britain*, a Person who for his skill in War, might well be taken for the Son of such a Father, and whose Dexterity in matters Civil, and relating to Peace, was no whit Inferiour to the other; for he had already given sufficient Testimonies of his Ability, though for the present, by reason of a Faction in *Spain* his own Country, he seemed to be laid aside; or rather underwent a voluntary Retirement. Having sent for *Theodosius* from *Spain*, when the time now for designing Consuls for the following year was come, out of generous Gratitude to his Tutor, or Schoolmaster *Aurélius* of *Burdigala*, or *Bordeaux*, an Eminent Poet of this Age, he declared him Consul with *Olybrius*, and gave him notice of it by this Letter,

Out of Gratian's Letter to his Tutor *Aurélius*, he declares him Consul with *Olybrius*.

When I considered with my self alone, whom I should name Consuls for the ensuing year; as you know my manner is, as is my Duty, and I am certain your Desire, I asked Counsel, (or referred it unto) God, in Obedience to whose Authority I have designed and declared you Consul in the first place, and have sent you the *Rebe* (Trabea Palmata) which *Divus Constantius* our Father himself wore. I have paid what I ought, and I yet still owe what I have paid.

When *Theodosius* was arrived, he ordered him to command in the Eastern parts, and some there have been who wrote, that after he had received his Command, he engaged against the Barbarians, and got a notable Victory over them, which if true, it had not been forgotten by those more ancient Writers who have endeavoured to set off with Lustre the Life and Performances of this Person. But for certain it is, that *Gratian* finding the Emperour oppressed with manifold Dangers and Inconveniences even near to micarriage, by reason especially of the Barbarous Nations their pouring themselves into the Provinces; considering that he himself had enough to do in *Gall* with the *Germans*, being but twenty years old; and his Brother *Valentinian* not above thirteen, and there-

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Vide Gratian. in l.

L. 12. de Prætor. Cod. Th. lib. 9. tit. 40. De præfets Cal. Deven. Trev. Abt. 1. Cod. Just. et hitor. vicia et impet. tralia.

Vide *Aurélius* Gratianum *Pennigianum*.

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Makes Theodosius Emperor.

Composeth the difference between Palatines and Governors of Provinces.

Forbids Appeals against the opening of Testaments.

Publishes a severe Edict against the Harbourners of new Soldiers that fled from their Colours.

therefore unable to manage any publick Buſineſs; he cloſed with the Advice of thoſe who perſwaded him to take *Theodoſius* in as a Partner in the ſupream Power. For this purpoſe being now at *Sirmium*, he called the Nobility together, and directing his Speech to him in particular, told him he was reſolved to commit the  *Eaſt* to his Charge. He gave him thanks for the great Honour he intended him, but by words, endeavourd what he might to decline the burthen, which he declared too great for him to undergo. However, *Gratian* would not contend with him in Modesty, but whatever the other might do, ſake what he thought, and required him to take Patience and accept of it. So was *Theodoſius* advanced to Share in the highest Dignity and Power upon Earth, on the ſixteenth day of *January*, being thirty three years old, A. D. CCCLXXIX, in the Conſulſhip of the lately mentioned *Auſonius* and *Olybrius*.

41. *Gratian* having taken this good Order for the Settlement and Security of the  *Eaſt*, and had Intelligence that the *Allemans* had again paſſed their Bounds, and fallen into *Gall*, left *Theodoſius* at *Sirmium*, and returned with ſpeed into that Country. For ſtill did he keep to himſelf, in the threefold Division that was now made of the Empire, *Gall*, *Spain*, and *Britain*. To his Brother *Valentinian* fell *Italy*, *Illyricum* and *Aſſrick*, and to the Share of the New Emperor, *The Eaſt* with *Thrace*; but not *Illyricum* as *Sozomen* miſtaketh. Before he quitted *Sirmium* he took notice of the Differences which were wont to ariſe betwixt the *Palatines*, or Officers belonging to the *Comites* of the Conſulſtory, who were often ſent into the Provinces upon Errands relating to the publick Revenue and other matters of great Concernement, and the Governors of Provinces themſelves. "He declares that doing their Duties in ſuch manner" they were not to be diſcouraged by the Ordinary Judges or Governours, who were often very ſevere to them, as thoſe they found to be Spies upon their Actions, and on the other ſide, not ſtanding now in any fear of them, he yet requires, that if they have any occaſion to deal with them, they ſhall pay them all the uſual Reſpect and Reverence. *Hypatius* was at this time *Preſeſ* of the City of *Rome*, of whom *Ammianus Marcellinus* gives this Character. That he was a meek and milde Perſon and given to Quiet, and he ſeems to have been ſo milde, that *Gratian* by an Edict directed to him, rebukes him for it, with a Penalty to be inflicted for the future. Againſt any Sentence whereby the opening of a Teſtament was enjoyed, or for putting the Heir into Poſſeſſion of the Eſtate of the Deceſed, there ought by Law to lye no Appeal, becauſe thoſe things admitted of no Delay. To this purpoſe *Adrian* the Emperour made a Law, that whoſoever was found an Heir by Teſtament, ſhould within a year after the opening of it, be put into poſſeſſion, and that upon occaſion of the twentieth part of Inheritances; left there ſhould be any Delay in the Payment of that Impoſition. Now it appears, there was ſome Default in Judges, in admitting Appeals in thoſe Caſes, which meek and good natured Perſons were more apt to do than others; to prevent this miſcarriage for the time to come, he impoſeth a Muſt of twenty pounds of Gold both upon the Party that ſhould make ſuch Appeal, and upon the Judge who ſhould admit it. By virtue of *Adrian's* Edict the Heir needed not to ſue for his Eſtate according to the Teſtament, which if he did, he loſt the Benefit of the Edict; but *Julianus* afterward repealed the Edict, and gave Liberty to the Heir to obtain poſſeſſion, though the year were out; againſt whom he would not have Preſcription, though of a long time, to take place.

42. By the Date of this Law it appears, the Emperour was back at *Trier*, before the middle of *Auguſt*; where being arrived, *Auſonius* in many words returned him thanks for making him Ordinary Conſul, by an Oration, which, in many reſpects, *Signonius* thinks fit to be perused. But in his way back to *Gall*, he paſſed through *Venetia* and *Liguria*; for, in the Month of *July*, and beginning of *Auguſt* we finde him at *Aquileia*, a City of the one, and at *Mediolanum*, or *Milan*, the now beginning to be the moſt frequented of all Places belonging to the other. Being come to *Aquileia*, he found that the *Tirones*, or New-raiſed Soldiers, abuſed themſelves, and fought to Deſert the Service, and that thoſe they called *Aſſores*, or Managers of Lands in the Country, were wont to harbour and Conceal them fo offending. This by a Law made at this place, and directed to *Heſperius* the *Preſeſ* of *Italy*, he prohibits upon pain to the Conſealer of being burnt alive, which Punishment was ſometimes inflicted upon the Deſertors themſelves (ſo the Law terms them) as appears from *Ammianus*. And

Fide Chron.  
Theod. ad Ann.  
379.L. 1. de Pali-  
catis S. l. c.  
R. P. c. d. Th.  
lib. 6. tit. 30.  
Dat. 6. Jul.  
Mort. duſt. a  
Cod. Jul.L. 26. Quam  
Appellat. non  
reſcripſim.  
Cod. Th. & L.  
6. Cod. Jul.  
sed. tit.L. 2. de Di-  
ſtrictis de  
ſcalatibus  
ſeu  
ſeu Cod. Th.  
lib. 7. tit. 18.  
Dat. 6. Non.  
Jul. Aquileia.  
for

Sect. 3.

Abates the  
rigour of the  
Paternal Pow-  
er.Theodoſius at  
Touſſonice.

for the time to come, he threatens the Lords of the Grounds ſhall undergo the ſame, if theſe their Officers continue ſtill to offend in the ſame fort. But as theſe Souldiers endeavourd to withdraw themſelves from ſerving the publick with their bodies; ſo at the ſame time there were others who would gladly have been excuſed from contributing with their Purſes to the finding of Horſes. Theſe were the *Navicularii*, of whom we have often ſpoke, and particularly of the great height to which they were riſen through the Indulgence of ſome late Princes, ſo as they were not only made partakers of the *Equeſtrian* dignity by *Conſtantius* and *Julian*, but ſome Senators would joyn themſelves to their Body, and now there were ſome found amongſt them who obtained from the Emperors honorary Codicils or Letters, whereby the greater Codicillary Dignities were conferred on them. Now ſuch as obtained theſe Titular Honours were wont to be ſubject to extraordinary charges, as of Souldiers, and Horſes for the Wars; though ſome of them, as thoſe that had diſcharged Employments in the Prince his Palace, were privileged from them; and to theſe charges ſtill *Grati- an* reſolves that the *Navicularii* ſhall be ſubject, for all their obtaining the Codicillary or Titular Dignities.

43. About the ſame time *Gratian* thought fit to abate the rigour of the Paternal Power, which had been already attempted, ſince the Sovereign Authority was become Chriſtian. This Power at firſt was ſo extravagant as to extend to life over Children, which though the Law at length thought fit to leſſen, even as to the Perſons of thoſe not Emancipated, yet as to their eſtates, except what they got by ſerving their Country, all was wholly in the power and propriety of their Fathers. *Conſtantine*, the great, thinking it very unjuſt that obedient Children ſhould be ſo ſeverely dealt with, took order that their Mothers Eſtates ſhould be ſo aſcertained to them, that it ſhould not be in the power of their Fathers to alienate them, who ſhould have only the *Uſufructus* during the time of their continuing under their Paternal Authority. But, as Laws are wont to gather force by degrees, ſo the Law in this point got ground, together with the Chriſtian Diſcipline, which mollified the Rigour of the former Cuſtoms. *Conſtantius* confirmed what his Father had done, as to the Mothers Goods, and afterwards added certain Caſes, wherein the Eſtates of Grandfathers by the Mothers ſide, being left to the Children, ſhould not be acquired either by the Father, or his Heirs. But now *Gratian* by an Edict directed to *Heſperius*, made what was but to be obſerved in certain Caſes to hold good purely and ſimply, enacting "That not only the Goods of Mothers, but of Mothers Fathers, and Mothers Mothers ſhould be out of the Power of Fathers as to alienation, and that they ſhould only have the *Uſufructus* of them; But as for Eſtates coming from Strangers, and from Relations in a tranſverſe Line, he left them, as formerly, to be acquired by Fathers. After this, *Valentinian* carried the matter on farther, forbidding Eſtates got by marriage to be acquired by the Father, and that by an Argument drawn from the Grandfather and Grandmother lately mentioned; as the caſes of theſe are by this Law derived from the Example of the Mothers Goods. At length *Julianus*, by Example drawn from all theſe Rules, extended the Law to all ſorts of Caſual or Adventitious Eſtates, and there it ſtood at the hiſt pitch of Indulgence. But *Gratian*, as we ſaid, having paſſed through *Venetia* and *Liguria*; made a Progreſs alſo through the ancient *Gall*, through *Rhetia*; and viſited thoſe that inhabited near the *Rhine*, the *Sequani*, and *Germania Prima*; by his Appearance in thoſe Parts he reſtrained the motions of the *Suevi* and *Alamans*; and leaving theſe Countrys in a ſettled Eſtate returned to *Trier*, where for ſome time we muſt leave him, and attend the Motions and Actions of our New Emperor.

44. *Theodoſius*, after the departure of *Gratian* for *Gall*, removed to *Theſſalonica* in *Macedonia*. Here we find him on the ſixteenth of *June*, by the date of a certain Conſtitution directed to *Pametrinus* his Comes *Rei Private*, of which we muſt ſpeak upon another occaſion. *Zozimus* tells us, that he ſhewed himſelf eaſie of Acceſs at this place, and that ſuch as came to him upon buſineſs from all quarters returned with ſuch Answers to their demands, whether reſpecting the publick or their own private concerns, as were fit and convenient. But at this time vaſt numbers of the *Transſylvian* Nations, viz. *Scythians*, *Goths*, *Taiſali* and others having paſſed the River, and being become troubleſome to the Provinces, he made all preparations to drive them out. All *Thrace* they had over-run, and ſuch Garrifons as were there beſtowed in Caſtles up and down dared not ſo much

L. 15. de Nomi-  
nariis Cod.  
Th. Accep. 12.  
Cod. Aug. Con-  
ſtitutione Augu-  
ſti.  
a Cod. Juſt.L. 6. de matri-  
mon. ſent. Dat.  
ſed. Cod. Aug.  
dec. 4. Jul.  
ſep. Auguſt. a  
Cod. Juſt.L. 12. de Ju-  
riſſic. Cod.  
Th.  
Quaprius. f.  
751.

**Seft. 3.** as peep forth; much left to come to any Engagement in the open field. There was now one *Modares*, a man of Royal Blood amongst the *Scythians*, who not long since had come over to the *Roman* Party, and having performed some faithful services was preferred to a Command in the Army. He having led his men up to an Hill, whence he had a fair Prospect of the adjoining Country, by his Scouts discovered that the *Barbarians* abused the advantage which the fruitful Plain afforded, and were most of them overcome already with Wine; whereupon he gave order to his Troops, to leave behind their heavy Armour, and only with their Swords and Targets to surprize these dissolute men; which they did, and easily put them all to the Sword, many of them never being sensible who it was that hurt them. Having plundered their Camp, they found and took four thousand Waggons full of Women and Children, besides Slaves answerable to such a Company, and such as followed on foot, being to ride when their turns came; for, they had not Carriages enough to take them all in at one time.

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A story of *Zosimus* concerning *Julius* his putting the Sons of the *Barbarians* to the Sword.

45. In this manner *Zosimus* writes that *Thrace* was preserved from imminent ruine; when at the same time he adds, that the *East* was manifestly near to destruction upon this occasion. When *Valens* received the *Goths* into *Thrace*, he did it with this caution, that for their Fidelity he would have such of their Children as were under Puberty to be delivered up as Hostages, and those he sent to be educated in the *East*, under the Care and Inspection of one *Julius*, whom he knew to be sufficiently able, both for their safe Custody and Education. *Julius* so dispersed them through the Towns of these Tracts, that they might have as little advantage as might be to meet and conspire against the Empire; but the news of the Defeat of their Countrymen in *Thrace* could not be concealed; and so disturbed them, that as many as were in one Town, laid their Heads together, and privily sent to those that dwelt in other places, to let them know that they designed to fall upon the *Roman* Cities, and revenge the death of their Parents and Friends, being now arrived at ripeness of years. *Julius*, how private soever they were, discovered the Plot; and not knowing well how to prevent the fuddainess of the blow, yet sent not to *Theodosius* to acquaint him with it, partly because he was at a distance in *Macedonia*, and partly for that the charge had been committed to him by *Valens*, and not by the new Emperor, unto whom also he was scarcely known. He wrote secret Letters to the *Senate* at *Constantinople*, and from it received Power to act what he should think fit and convenient for the State; which obtained, he sent for all the Officers of the Army, and having taken an Oath of secrecy, imparted to them his resolution. Hereupon, they being sufficiently instructed, caused it to be given out throughout all places where the *Barbarians* lived, that the Emperor was resolved to be very liberal to them, not only by giving them money, but Lands also; therewith to deserve their friendship and adherence to the Interest of the *Roman* Empire. For this purpose they were admonished to assemble together at a day appointed, within the *Metropolis* where they lived, and not fearing any thing gladly expected the Day, remitting now much of their Anger and Zeal for avenging the death of their Parents; and when the time came, they all appeared. Then did the Souldiers who were brought together for this purpose, seize on the Houses round about the *Forum*, where they stood, and what with Stones, Darts and other Weapons destroyed them all, and thereby delivered the Eastern Cities from imminent danger.

46. This is the account *Zosimus* gives us of the Success against the *Barbarians*, both in *Thrace* and the Eastern Provinces. Herein he takes no notice of the Person of *Theodosius*, but makes all to have been performed by the Officers; one of which *Julius* by Name, he says, refused to send to him; but desired a Commission from the *Senate* of *Constantinople*, a probable matter, that an Emperor already so declared, and in possession, should be so slighted; but indeed this Writer deals as fairly with him, as with other Christian Emperors. According to his custom he tells all his stories in a way, and with circumstances far different from the general concurrence of other Historians, and particularly of *Ammianus Marcellinus*, who lived in these times, and had great reason to know the true state of Affairs; and this amongst the rest, which he relates at the end of his work, as done before the preferment of *Theodosius*. Indeed these actions performed against the *Barbarous Nations*, after the time at which *Ammianus* left writing, are obscure; both as to the time and manner thereof. For some will have *Theodosius* to have performed great things against them, while yet but General, and before he had the Purple given

Various Reports concerning the Actions performed against the *Barbarians*.

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*Zosimus* his complaints against *Theodosius*.

him; and other Authors say, that the *Alans*, *Huns*, *Goths* and *Scythians* were this year overthrown and defeated in many Engagements; but how the War was carried on they do not add. Some say the *Goths* upon giving up of Hostages were received into friendship, and others, that after being sufficiently beaten, they begged peace in an humble manner, and that thereupon he received them to mercy, and not only so, but made them his Associates in War, free of the Empire, bestowed Honours upon them, and gave them Lands to inhabit. But if we may believe *Claudian* the Poet, He was the man that prevented the destruction of the Provinces by Fire and Sword, restored the Grounds to the former Proprietors, snatched the Cities out of the Jaws of Death: that if he had not been, no shadow of the *Roman* Name had been left in these quarters; and that this was done when *Rhadape* ground with the weight of *Barbarians* that rushed in upon it; when the *North* now was become desert, having poured out all its People upon the *Roman* Empire; when the Banks of the *Danube* vomited forth Battels; and when *Myfia* and other Parts were covered with the swarms of the *Gothick* Troops and Waggons.

47. That these are Poetical expressions, and directed to his on we must not deny, and yet we are afraid that *Zosimus* has more offended on the other Hand. To his former Relation he adds, that *Theodosius*, lying still at *Thessalonica*, did indeed seem easie of access to such as made their addresses to him; but beginning his Reign with Luxury and negligence of publick Affairs, made a disturbance in Offices, and ordained more Commanders in the Armies than formerly there had been. For whereas there were anciently but one *Magister Equitum*, and also one *Magister Pedum*, he made more than five; and thereby burthened the Revenue, each of the five having now as much allowance as formerly was given to one of the two. Hereby he also exposed the Souldiers to the Avarice of many Officers, every one of whom made it his business, as much as either of the two formerly, to enrich himself out of the Souldiers Pay. But not herewith content he made also so many inferior Officers, as *Trimmes* and the like, that he left double the Number of those he found, and by this means the Souldiers got nothing of what was allowed them out of the Treasury. And so matters went, faith he, by reason of the enormous Negligence and Avarice of the Emperor. But farther, he first caused fo great expence to be made for his Table, that for preparation of such variety of costly Dishes, multitudes of Cooks, Cup-bearers, and other Officers were ordained, and not to be mentioned but in a long Discourse. Neither is there any need of telling what abundance of Eunuchs he had to serve him, most of whom, especially such as were handfomest, made such Magistrats as they pleased, having all the Power of the Empire in their Hands, and being able to perwade the Emperor to whatsoever they thought fit; seeing the causes of the Ruine which followed thereupon must be declared. For, being profuse to undeserving Persons, and therefore as necessarily he must, wanting much money, he sold the government of Provinces to those that came next, without any distinction of worth or honesty, but judging him the fittest man who brought along with him most money; inasmuch as one might see Bankers, and those that dealt in Coin, and others of base professions wearing the Ensigns of Magistracy, and delivering the Provinces in Sale to those that were able to give most.

48. This alteration being such at the beginning, grew still worse and worse, and thereby came it to pass that the Forces of the Empire were diminished in a little time, and money failed the Cities thereof, which were exhausted, partly by excessive Taxes, and partly by Avarice of the Magistrats; for, such as would not comply with their insatiable desires they ruined by Calumnies, as good as saying that they must get up the money that they had paid for their Places. Hence came it to pass that Inhabitants through their oppression, and otherwise, undone, led miserable lives, and prayed to God to be freed from so great Calamities; for as yet they were suffered to frequent their Pagan Temples, and appease the Deities, after the Rites and Customs of their Fathers. But *Theodosius*, having by these courses diminished his Forces, gave leave to the *Barbarians* that lived beyond *Ister* to come over to him, promising with these Fugitives to fill up his Troops, which Offer they accepted, and were accordingly received into the Army, with hope that if their Number increased they should be able to attack the *Roman* State, and reduce all under their own obedience. The Emperor perceiving now how things stood, and that the number of these Fugitives exceeded that of his own men, and considering what was the best way to prevent them in case they should attempt any thing con-

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Num com *Barbaris* pedum commissa *Germani* *travere* *Rhadape*, &c. De 4. *Constitutione* *Honori* in *plac.*

τὸς αὐτὸς ἐπε-  
μύνηται ἱ-  
στοῦται τὴν  
αἰσθησίνην. ἢ  
τὴν αὐτὴν ἢ  
ἐκ τῆς αὐτῆς. *Res.*  
P. 754. 755.

*Plite signum*  
*id signum* P.  
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trary to what they had engaged, he thought it best to mix part of them with the Army that was in Egypt, and send for some Forces out of the Legions of that District. According to the Emperors Orders they marched; and in their way, the Romans behaved themselves very civilly, paying honestly for what they called; but the Barbarians quite contrary, offering violence to those that sold Provisions. At Philadelphia, a place of Lydia, they met, where the Egyptians, inferior in number to the Barbarians, obeyed the orders of their Officers, but the others presuming in their own strength took much upon them. One of them being demanded money in the Market for what he pretended to buy, drew his Sword and cut the Seller and his Neighbour that came in to assist him; upon which accident the Egyptians gently admonished the Barbarians to abstain from such unjust oppressions, which did not at all become Persons that pretended to live after the Roman Laws. But they being too good to be advised as yet, what their fellow had done, by drawing their Swords at the Reprovers, who not able to contain their indignation, fell in with them, and killed of them above two hundred men. Having thus chastised them that remained, and persuaded them to carry themselves more civilly toward such as would take no Affront at their Hands, they proceeded in their March, and the Barbarians kept on their way to Egypt, under conduct of Hormisdas the Persian, son of that Hormisdas who served under Julian in his War against that Nation.

49. The Egyptians being come into Macedonia and taken in amongst the Legions there, no order at all appeared in the Camp; no distinction betwixt Roman and Barbarian; but all went promiscuously together, without any certainty in the Muster-Rolls. And as for the Fugitives it was permitted them, though listed in the Army, to return home, and to send others to serve in their rooms, and yet when the fit took them, to return again to their Colours. But this liberty they enjoyed not without such effects as any one in prudence might justly foretell. For they held intelligence with their Countrymen, and letting them understand how negligently all things were managed on the Roman part, they resolved to make Use of that opportunity which the great confusion in the Army did afford them. Having without difficulty passed the River, (for none there was to oppose them, and those that pretended to have forsaken them, rather furthered their design) they entered Macedonia, whither the Emperor came with all his forces. At Midnight they perceived a great Fire to be kindled, which they concluded to be for the Use of Theodosius and his Followers; and therein being confirmed by the relation they received from Fugitives, they halted strait to his Pavilion, taking their direction from the Fire. Now did most of the Fugitives joyn themselves to their Countrymen, and far more in number thus united they were, than the Romans and such as still remained with them. Yet did they find stout resistance, which served to this purpose, that the Emperor had time to shift for himself and get away; and though his men that he left behind, were all cut off, yet they fell not without an infinite number of Barbarians accompanying them to another world. Had the Northern men used the advantage given them, and pursued Theodosius, as they might have done, they had easily taken him and all the rest; but being rendered Matters of Macedonia and Thessaly by this Victory, they contented themselves with it; neither imposed they any Tribute upon the Towns; but left them as free as they found them. The Emperor, after their departure into their own Country, fortified with Garrisons all the Castles and such Towns as were walled; and then went to Constantinople, where he wrote to Gratian concerning what had happened, and how some speedy course was to be taken to prevent that ruin which impended. Having sent away the Messengers, he then fell upon the Macedonian and Thessalian Cities, which, as if they had received no damage from the late Incurtion, he burdened with the usual Tributes, and so severely exacted the payment, that in a manner he took away what the humanity of the Barbarians had left. For not only were they constrained to pay money; but even the Ornaments of their Women, and all their Clothes, so as our Writer had almost said they had nothing left to cover their nakedness, and all this under the notion of Tribute; inasmuch that every Town and Village rung again with Cries and Lamentations of those, who universally extolled the Barbarians, and called upon them for their help. Such was the estate of Thessaly and Macedonia in these days.

50. However, our Emperor splendidly and as in triumph entered Constantinople, without any respect had to the publick Calamity; and being thither come, made im-

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immoderate Use of the Delights and Pleasures of that great City. On the other side Gratian was much disturbed at the news he had received from him, and, with as much expedition as might be, sent away considerable Forces under the Command of Bauto and Arbogastes, both Franks by Nation, great Friends to the Roman Interest, free from Covetousness and Bribery; and both very stout and expert Captains. They being come into Macedonia and Thrace, the Scythians who sufficiently understood their Worth, and still remained in these quarters, halted away into Thrace, which formerly they had wasted, and doubting what further course they should take, betook themselves to a Trick (not much unlike to the former) whereby they cheated Theodosius. They sent to him certain Fugitives, of most base condition, to promise him Friendship and obedience in whatsoever he would require. And he very easily admitted, and gave them Credit, not at all intrusted by his former Experience of their fidelity; and hereupon more followed, and he received them all. By the Sottishness of this Prince were matters again reduced under the Power of these Fugitives, which Sottishness he increased by his voluptuous course of life. For whatever tended to the corruption of manners and humane conversation, received such encouragement and increase during the Government of this Emperor, that all those that imitated him in his way of living, seemed therein to place all that could make them happy in this World. Ridiculous Mimicks and peevish Dancers were now in request, and if any thing could contribute toward obscenity, and this wicked and dissolute Mufick, it was practised both in and after his time; for to so great depravity of Manners was the Generality now inclined, that such as came after, imitated those that went before them in this sort of madness. And besides all this, the service of the Gods was everted throughout all Cities and Countries, inasmuch that all who believed there were Gods, were in danger, together with those that looked intently to Heaven, and worshipped such things as they there saw.

51. The last thing related by Zosimus we may easily grant to be true, and whither prejudice raised from this proceeding of Theodosius did not exasperate our Historian and those of his Persuasion, we shall not now enquire; but to make a true judgement of this dismal character he bestows upon him, take in what the Laws and other Writers generally afford us of his Actions, which are the truest testimony that can be given to humane Life. By his Constitutions we find, that from Thessalonica, whither he said he removed after the departure of Gratian, he went to a place called Scopi, whence he directed another Edict to Paneratius, concerning the chusing of the Principal of the Office of Comes Domorum per Cappadociam, commanding, "That it should be every year out of the Palatine Officers, as of old it was wont, and not from amongst the *Agentes in Rebus*. This Comes of the Emperors Houses in Capadocia was once under the Command of the Comes Rei Private, although, as we have already seen, in the time of Theodosius the Younger, when his Breviary or Notitia of the Empire was made, he was subject to the *Præpositi sacri Cubiculi*: But why Capadocia should have its peculiar Comes for Houses and Lands there, appertaining to the Emperor, might well be considered. Justinian says that the ground was so excellent, that it pleased exceedingly the foregoing Princes, who therefore bestowed on it a Magistrature of its own, who was nothing inferior to the Civil Magistrature, or *Proconsul*. But yet, how these Possessions came to the Emperors, and particularly why they so pleased them, he doth not express. It's therefore thought, that when Constantine constituted the Revenues belonging to the Priests, and Pagan Temples (which made several Writers, as Libanius, Eunapius and others discontented and railed as well as Zosimus) he appropriated to his own Use also those that he found in that Province. And how large these Revenues were in this very Country appears, from Strabo his description but of one City and Temple, viz. the City of Comana, and the Temple of Bellona. Comana was a memorable City, in a Valley of that Mountain called Antitaurus, wherein was a great multitude of those they accounted possessed Persons, and such as laboured in the business of Sacrifices. The Inhabitants, being of that sort of Cappadocians called *Cassanians*, were otherwise subject to the King; but chiefly obedient to the Chief Priest, who was esteemed as Lord both of the Temple and of those which ministered therein, who when Strabo was at the place, exceeded in number six thousand Persons, reckoning both Women and Children. Besides, there was much Land belonging to the Temple, of which the Priest received the Revenue; for amongst that People, in Dignity he was next to the King, and most commonly of the same Family. We see then the Emperor, having secured

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The Objections examined by considering what the Laws and other Authors speak of his Actions.

L. de Palatinis, S. L. de R. P. Cod. Theod. can.

L. 10. p. 539. Edit. Cas. Joh.

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secured these Revenues belonging to those superstitious Uses, might well have large possessions in *Cappadocia*, which also was a Country so good and fertile, that the Prince had a great Breed of excellent Horses there.

52. The next place we find *Theodosius* at, is *Vicus Augusti*, a Place of *Dacia Ripensis*; for, thence he gave forth another Edict to the same *Pancratius*, which in the opinion of Lawyers shewed his Clemency and Moderation. It was concerning that Gold called *Aurum Coronarium* wont, as he expresses in this Constitution, to be given to Princes by the *Curiales* upon three several occasions. The first was out of their love and respect to the Persons of the Emperors, as upon their first promotion, (so they presented *Julian*) or when they were Adopted, (so *Antoninus Pius*) or when they happened to come to their City, or when *Melengers* were sent to them upon some Requests, or the like. But the second occasion mentioned in this Law is, that of Indulgence or Remission of Tributes or Debts due to the Treasury; such as *Gratian* granted at this time, to which we might imagine his Law to have reference, had it not *Theodosius* for its Author. The third and last was upon occasion of Victory or good Success, which was the most ancient and especial occasion; for it was given them in Crowns already made, or for the making of such Triumphal Ornaments; and thence came it to pass, that covetous Generals would catch at all opportunities to Triumph, in expectation of this Gold, which extorted a Law of old, that it should not be given them except a Triumph had been desired. "Upon whatsoever of these occasions it was given, he would have it received in whatever form it was brought, whether in Crowns or Images, (as sometimes Images of Victory were presented) and though it had not received the greatest purification by fire; because it ought to come, not from constraint, but a willing mind. These were remarkable Laws made by *Theodosius* in his first year relating to civil matters. *Gratian*, as we said, being returned to *Triers*, amongst other Edicts of smaller concernment, published another directed to *Vindicianus*, his *Comes Archiatrorum*, in behalf of the Physicians of his Household, whereby he confirmed to them two Privileges or Immunities. "The first was that of the *Senatores Adlecti* who enjoyed the Dignity and Prerogative of *Senators*; but were not subject to the Burthens belonging to that Order, as those of *Glabius Collatio*, and the *Prætorship*; and this Immunity he extends also to their Heirs; as on the contrary, if such *Senators* as were obliged to be *Prætors* died before the exhibition of the publick Games, their Heirs were bound to be at the Expence. The second Privilege was "That if these *Palatine Archiatri* arrived at the Dignity of *Comites*, which usually they did, that then they should be excused from those they called *Jovial Offices*, or Employments, as were some others of the same Degree. This *Vindicianus* to whom the Edict is directed, is the same we spoke of before, who arrived at the Dignity of *Vicar*, having written a Book of Medicinal Observations for the Use of *Valentinian* and his Sons.

53. But though he was Indulgent to Physicians, he was severe enough to such as were Debtors to the Publick, for the preservation of his Revenue. Most miserable in old time had been the condition of all that were in Debt, whom, as we learn from *Dionysius Halicarnassensis* and others, the Creditors had so much in their power, as to subject them to Drudgery, Imprisonment and Torture; which Custom, though introduced by reason of the carelessness and knavery of some, who made no Conscience of retaining or spending what belonged to other men, yet produced such Acts of cruelty and oppression that by the *Julian Law* a *Cession* of Goods or Estates was introduced; so that those who quitted all they had, were not to be Imprisoned nor Tortured for what it was not in their power to discharge. But this, on the other Hand, was in some space of time found to give occasion also to great Inconveniences; for thereof crafty and cheating Knaves made advantage to defraud honest men, by concealing part of what they had; and luxurious Spendthrifts, knowing they could come but to this at last, encouraged themselves in their lavishment and debaucheries. Now as to torturing Debtors, *Constantine* the Great, and his Son *Constantine* did not approve of it. But *Valentinian*, as *Ammianus* tells us, adjudged such to death as were not able to pay what they ought to the Treasury. "His Son *Gratian* now took a middle course, admitting the practice of *Cession* still; but only allowing it to such Debtors as by Providence were reduced to Poverty; as by Robbery, Shipwreck, Fire, or some other Calamity, which they were to prove; otherwise all Disolute or Malicious Spendthrifts he will have still by severity of Punishment forced

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L. 4. de Auro  
Coronario. Cod.  
Th.L. 12. de Mo-  
dico et Prelo-  
Cod. Th. Dat.  
18. Kpl. Offib.L. 1. Qui Bona  
ex lege Julia  
causæ poffunt.  
Cod. Th. lib. 4.  
tit. 20.He makes an  
Edict about  
this Gold call-  
ed *Aurum Co-  
ronarium*.Gratian is In-  
dulgent to  
Physicians.Severe against  
Debtors to the  
Publick.

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ced to the payment of their Debts; which yet *Justinian* afterward did not approve, but being of the opinion herein of *Constantine* and *Constantius*, left this Constitution out of his Code; requiring in case of *Cession* a full proof, or any Oath, that the man was unable to pay; which was agreeable to the ancient Law. And the last remedy remedy left to Creditors is, that if they can find out any Goods or Estate belonging to their Debtors, they may sue for it, and recover such moneys as are due to them from other men.

The fifth  
Constitution of  
Gratian, and  
first of Theo-  
dosius.Theodosius in-  
creases the  
power of the  
Præfide Pre-  
toris.A Law of his  
against cor-  
rupt Judges.

54. The year which followed, being of our Lord the CCCLXXX, had for Consuls *Gratian Augustus* the fifth, and *Theodosius* the first time. In this Constitution mention is made of seven several *Præfide Prætorio*, viz. four under *Theodosius Gratiano*, (to whom Laws are directed from *Theodosius*, *Adrianople* and *Constantinople*, A. 5. and published at *Antioch*) as, *Eutropius*, *Neoterius*, *Florus* and *Tatianus*, and three others, viz. *Probus*, *Helesperius* and *Syngarius*, the Districts of whom lay in the *West*; the Constitutions directed to them being dated from *Aquilia* or said to be published at *Rome* or *Hadrumentum*. To *Eutropius* we find a Law directed this year, whereby liberty is given to the *Illustrious*, the *Præfide Prætorio*, to impose fines as far as fifty pounds of Gold, in case of heinous Offences. These Fines ordinarily were returned into the Treasury; yet was it in the Power of the Judges to appoint them to some special Use, as to the *Civitas Publicæ*, publick Buildings, the relief of the Poor, or other necessary charges, as still the Parliaments of *France* do practise. Hereby *Theodosius* enlarged the power of the *Præfide*, and about the same time extended it even to the depriving of the Governours of Provinces, or inferior Judges; and degrading them so far, as to the vilest condition of men, if found corrupt and abusing their Power. By removing from the Senate to the state of the vulgar had been usually punished *Senators* guilty of Falshood, especially during the Government of that most excellent Prince *Alexander Severus*; neither was *Theodosius* the first man that brought up this of degrading Judges to the same condition. Before the *Julian Law*, the punishment of corruption in them was that of Exile, and the Value of the Loss sustained by the injured party; but that Law contracted it within these limits of removal from the Senate, and the Value of the damage: yet afterward according to the merit of the cause was the penalty increased. This new Constitution being made at *Constantinople*, seems to have taken its original from some complaint made to *Theodosius* there, who after his Promotion (by confession of *Zosimus* himself) while he lay in that City, had application made to him by many from all places, according to their particular wants, who received such dispatch as was agreeable to their several cases.

55. But, how great a calamity this same Historian raised against this Emperor, or else how slender his judgement was, in that he charges him with weakening the Army and rendering inconsiderable the force of the Empire. *Gothfred* tells you sufficiently appears by other Laws he made about this time, from which it is evident how careful and solicitous he was to restore it to its wonted strength and lustre. About a fortnight after the Date of the late mentioned Edict, he published another to the Provincials of his Territories, whereby he signified out of what sorts of men he would not have Choice made of Souldiers; and this, as is concluded, in order to the carrying on of the *Gothick War*. It being one of the main points to receive such as are fit, and reject others; he declares "He will have in the first place no Slaves, whom the continual practice of the *Romans* forbade to take Arms; nor any out of the meanest Vitallising Houses, or that it was not accounted Adultery which was committed with the Mistresses of such Houses: Nor out of the Companies of Cooks or Bakers; nor such as belonged to the *Gymnasia*, or had pitiful effeminate Employments, or were taken out of the *Ergastula* or working Houses, where those were kept in labour, who either were condemned thither as a punishment for crimes, or else for their Subjunct. For, there were *Ergastula* not only of Slaves but of those also which were born, or made free, in those Days, notwithstanding the Constitution made by the Emperor *Adrian* for taking them away. Now all these sorts were forbidden to afford *Troopers* or New-Souldiers, and that under penalty of finding three duely qualified for one to use, and that by Award of the *Magistri Militum*, and according to their Discretion, if intimated to them. Of these *Magistri*, if *Theodosius* now made five, or more, in room of two; for the better management of this great Concern, and other reasons; he might do it, without such dismal effects as

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380.L. 4. Cod. Juff.  
de modo militum.  
lib. 1. tit. 54.L. 1. ad Legem  
Julianam rpe-  
ndendam Cod.  
Th. lib. 1. tit. 27.  
Dat. 18. Kpl.  
Fib.  
L. 1. 2. Cod.  
Juff. de Dile-  
ctationibus.In Com. ad L.  
de Trovibus  
Cod. Th. Dat.  
4. Kpl. Fib.  
Juff. 2. Cod.  
Juff.





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ting them leave to Fine Criminals as far as fifty pounds of Gold, by the Edit lately mentioned, which is rationally thought to have been part of this very Constitution; however the Date of it hath happened to be altered. However, there is extant another Law which is concluded to have been a Parcel of it, whereby those that had borne any of four other great Offices, *viz.* that of *Quæstor*, the *Magistri Officiorum*, and the two *Comites Sacrarum Largitionum* and *Rei private*, are in some sort made equal to those that had been *Præfæti Pretoria*. They had formerly been called by *Valentinian* preferred before *Proconfuls*, and so by Dignity were only *Speâibiles*; but now by this Law they were taken into the Rank and Number of *Illustres*. But he doth not hereby make them fully equal with the *Præfætorians*; as he had done them that had been *Magistri Militum*, so as if they should make any advantage of Time, or be preferred before them, if they had been first advanced; but certain particulars he mentions wherein they should equal them, as in Acclamations, and being received with the same Honour and Respect in all Companies and Assemblies. The Reason he gives for this Advancement is, that though they had not yet born the Office of *Præfæti*, yet they were near it, and it was due to them, such being usually preferred to that Dignity; as might be made evident by infinite Examples.

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L. 2. de Quæstio-  
rib. Magistris  
Officiorum, &c.  
& L. 1. Cod.  
Just. Eod. tit.

L. I. de Pri-  
micio & No-  
taxiis Cod. Tb.  
lib. 6. tit. 10.  
Dat. To:ff. 18.  
Cal. Jul. & L.  
I. Cod. Just.  
cod. tit.

L. 3. de Loca-  
tione Fund.  
Jur. Emphyt.  
Cod. Th. lib. 10.  
tit. 3. Abissi  
Cod. Just.

L. 8. de bonis  
Prescriptorum.  
C. 1. Tu.

His Respect  
for the Nota  
rice

### His Care for the Farmers of his Lands

His Clemency  
to such as un-  
derwent De-  
portation, and  
to their Chil-  
dren.

59. But amongst other more inferior Employments, *Theodorus* at this time professes the great Respect he bore to the *Notaries*, of whom has been already spoken, as also of their various Employments, out of *Ammianus*. For these were the Clerks that took Notes of what passed in the Emperours Conistory; his Decrees were often by their *Primicerius* recited in the Senate; and they were sent often into the Provinces upon extraordinary and urgent occasions being usually bred Scholars; and thereupon it is thought they were recommended to the Emperour by *Eutropius* the *Praefectus Praetorio*, to whom this Edict is directed; he being a Person of great Learning and Eloquence. When they had left their Employments either for Age, to take their Ease, or other Respects, the *Numerarii* belonging to the Magistrates, would put them upon Duties relating to the Revenue, as those of *Collectors* and the like, to their great Inconvenience and Molestation. Now as the Rule in Law generally held, that the same Privileges belonged to those that were in actual Employment, and those that were out, but had served in that Relation. *Theodorus* in this Edict extends this Privilege which already belonged to other *Honora-*  
*ries*, to those that served in the Palace: and in Case any *Numerarius* were so troublesome to them, he threatens him with an heavy Fine, and the loss of his Office. But amongst his Concerns, for those that served him in the Palace, he forgot not them who by their Labour contributed to the Subsistence of himself and them, *viz.* the Farmers of the publick Lands. He revived now a Law made by *Valentinian*, for saving harmless such Persons; and he declares, "no Farmer in Possession, shall be turned out through the Importunity of another, having given that Security which of Course such Tenants were to give, by joynit Obligation of other Persons. And at this time his Hand being in, and, as any one looks upon the Laws would judge, being set to do good to his People; by his several Constitutions sent to the *Praefecti Praetorio* throughout his whole District, especially to *Eutropius*, he endeavoured to suppress the great Thefts that were common in the Provinces; and not only them, but such as were as certain, though in a more plausible way, as the unjust Exactions and Violences used by the Governors or Judges of Provinces, and the greater Officers, nay, of the Treasury it self. To this purpose, he made a famous Constitution still extant, and divided into several Laws.

60. By one of the, he shewed great Clemency to such as underwent the Punishment of being Banished into Islands, called *Deportation*, by the *Romans*. For whereas by the Law, the whole Estate of such Condemned Persons, were Confiscated, some Portion thereof, he permitted to be allowed for the subsistence of the Offender and of his Children, and Parents (where there no Children) viz. one sixth part, except in Case of Treason, of which, whoever was Convict, and thus banished, he would also have him punished with Want, as was wont to be Practised in all places; that Crime being ever excluded from all Privilege and Benefit of Law. Both hence and from other Laws it's evident, that Death was not always inflicted for Treason it self, but sometimes Deportation satisfied. As to the Children of such Persons, by this same Constitution he allows them a sixth part of the Estate, of what Sex, Degree or Condition

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on foever they are, although Emancipated, and Grandchildren by a Daughter, the Crime of Treason again excepted; and yet fo, as even in that Cafe as much fhould beallowed them, as to their Father, had he offended in another fort, and for that been fo Banifhed, viz. a fixth part; a figne of the wonderful Clemency of this Emperour; wherein his Sons refufed to imitate him; the horridnefs of that Crime, as one of them faith, regularly leaving nothing to Pofterity; and not only his Succedours, but generally his Predeceffors were of the contrary Opinion. But indeed this was the natural temper of this Prince, whose Mercy usually fhewed in the point of Treason, *Themiſtus*, about this time, extolled in an Oratio he made in the Senate; and of his wonderful Clemency towards the *Antiochians*, we may hear hereafter. But in that manner he provided for them whole Goods or Eftates were Confifcated. By another, he fetled the fucceſſion of fuch, whole Eftates were not feized by the Exchequer, although they were put to Death for fome offence, and that as he profeſſes according to the Direktion of the Civil (twelve Tables; and the *Lex Papia*) and of the *Pretorian Law*; for the *Romans* had a double way of conveying the Inheritances of fuch as died Inteflate, the one by the *Civil Law* it ſelf, and the other by the *Edict* of the *Pretor*, when Reaſon required that Equity ſhould interpoſe, and regulate the Rigour of the Law. By this his Conſtitution he ordained the Eftates of fuch as were put to Death, to defend to the Children of the firſt and ſecond Degreſſentirely, but only half to thoſe of the third, or Great Grand-Children. If there were no Children, a third part of ſuch Condemned perfons Eftates, ſhould go to their Parents, and the other two be Confifcated. And to the Grandfather and Grandmother by the Fathers fides; if the Party had no Father nor Mother, one fourth part; and all theſe falling, as much to the Brothers and Siſters of the Party, who if of whole Blood, and not Emancipated were to exclude the Grandfather and Grandmother as by the Antient Law they ought to do.

His further  
Severity a-  
gainst Judges  
that had been  
deprived for  
Corruption.

### He Reforms Abuses in order to Marriage.

Especially of  
Governours  
of Provinces

61. By another part of this Constitution, he farther provided against the Corruption of Judges; for, having as we have seen already, this same year, deprived such of all Honour, and degraded them as low as the meanest Condition of the Vulgar, he now took away the Stairs by which they might hope to mount again to their former Dignity, by declaring, that they should for ever be debarred from all, both Real and Titular Honours. And he Commands *Empireus*, that if any Person formerly Convicted should obtain any such Power or Employment, as might have passed through the Emperours not being acquainted with what had formerly happened, and his being imposed on; that in such Case, he should not suffer him to Act or intermeddle; but send and acquaint himself with the matter. This he did, considering that Men of such base and corrupt Principles seldom grow better if they have any opportunity; however are to be presumed still the same, except there be any Evidence to the contrary, of which it was fit the Prince should be Judge, without having his Hands tied up, if he were pleased to refore any; as satisfied of their Amendment. But we see the power of the *Præfets* was very great, as even in this Case it appears, of Prohibiting a Person to meddle with the Government, though producing the Emperours Commission, as they had Authority given them of punishing such Judges as they found to be Thieves without any necessity of making Report to the Emperour. By this same Constitution he reformed several Abuses perceived to be growing about Contracts of Marriage; Prohibiting that Liberty which some took of engaging the Affections of Persons, of putting them to trouble and Charge, and then deserting them; such Women as were Guilty of this Inconstancy by the *Roman* Laws being to refore fourfold of the Tokens that they had been presented with. The Law in this point he now regulated, according to the Age and other Circumstances of the Woman; but vigorously reinforced that part of it which related to the Governours of Provinces, or such as had Command, or Authority therein; who thereby were Expressly forbidden to marry, during their Government, any that lived in the parts subject, to their jurisdiction; because of that Fear, Awe, or Terror which it was supposed they might strike into them. He declares that if any woman under such Circumstances had received any Tokens or Presents; whereas by the Antient Law she might renounce any Contract thereby made, but was of necessity to return the Presents back; that now it should be in her free Choice, whether she would or not return them. And this he extends not only to the Governour himself, but

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L. 2. cod. ti.  
Abest. à Cod.  
Ja<sup>9</sup>.

L. 2. Ad legem Juliam.  
Repetundar.  
Cod. Th. Abol.  
à Cod. Justin.

L. 6. de Sp  
 salibus &c.  
 Cod. Th. lib  
 tit. 5. de L  
 Cod. Just. t  
 tit. Arthae.

L. 27. § 1.  
 vincie Red.  
 Cod. Th. lib.  
 Cod. tit. 6.  
 L. 27. Cod.  
 Just. Cod. 1.



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spirited, to see their Towns beautified by repairing of such Structures as were gone to decay. And the Emperours indeed were wont to stir herein to concern themselves, that in their usual Instructions or Mandates given to these Magistrates, they usually ordered the Accounts concerning these publick Works to be allowed. For each City had its peculiar Revenues, part whereof was wont to be assigned to the maintenance of publick works, the Accounts of which they would have allowed, but Prohibit any Salary to be assigned by the *Decuriones* or greater Magistrates, to any Person, without their Command therein, especially assigned; whereas, in some Cases the *Decuriones* were wont to allow Salaries, as to a Municipal Professor or Physician; to Messengers sent to Court, and to the maintenance of such of their own Members as were liable to Decay. But *Constantinus* forbade any Salary to be given, peremptorily, without the Prince his Command; as his Grandfather *Constantius Chlorus*, himself, assigned to *Eugenius* the *Rhetorician* his Pension from the City of *Augustodunum*; and *Gratian* when he gave the *Gallian* Cities leave to chuse their Professors, yet would not yield them the liberty of assigning them Allowances at their own Discretion. Yet *Libanius* in an Oration to the Senators of *Antioch* importunes them of that City to increase the Salaries of their four *Rhetoricians* or *Sophists*, by assigning them certain Lands; so that probably the Prohibition of *Constantinus* extends to unusual and Extraordinary stipends; not to the wonted and necessary ones.

Punishes the  
hasty Marriages  
of Wid-  
dows.

66. *Theodosius*, at the latter end of the year, setting himself to the Correction of manners, took notice of the Immodesty of Widows (amongst other Faults) which were wont to Marry again before the time of Mourning due to their former Husbands was expired. He confirms what the Law formerly had declared against such, that they should be esteemed infamous Persons; and to this adds, that they should not bring as Dowry to their second Husbands above a third part of their Estates nor leave them more than just so much by their Testaments. That they shall be Incapable of any Inheritances, Legacies or Benefits from Trusts left by Will, which must fall to the Heirs, and no Benefit thereby Accrue to his Treasury, to which he will have no respect in the business of Reformation of Manners. Further, such a Woman shall loose whatsoever was left to her by the Will of the first Husband, which must fall to them to whom the *Prætorian Law* assigned it; and the Treasury succeed in the last place. And as for such Inheritances as fall to her by Succession, she shall not succeed to any such, or those called Honorary, beyond the third Degree. By another part of this same Constitution, directed to *Entropius* the *Præfatus Prætorius*, though now separated and put into another Title in the Code, he pronounces such a woman notoriously infamous by the Law, except the Prince be pleased by his Indulgence to wipe off the Blot, whether she had Children or not by her Husband. In Case she had Children, and obtained from the Emperor an Abolition of Infamy, he is willing she shall enjoy it, together with an Exemption from all other punishments, provided she part with half that Estate she had at the time of Marriage, to those Children she had by her former Husband, by a pure and solemn Donation, so as no Profits thereof shall be Exempted; and if one or more of them should dye, those remaining shall succeed the deceased; but in Case all of them die Intestate, then, for Consolation of her misery, Contracted by the loss, she herself shall be the Heir.

He makes a  
favourable  
Law in behal-  
of Prisoners.

67. This Constitution bearing Date on the fifteenth before New-years Day, we suppose was not made at *Constantinople*; whither *Theodosius* by this time, was scarcely returned from *Thessalonica*. The second day after there, we think we find him by another Law which here we shall not further mention. But to be sure at *Constantinople* he was on the twenty-ninth of December, on which we have another Edict directed to *Entropius*, and full of Clemency, concerning the Apprehension and Custody of Prisoners. Heretofore Commands, that none be cast into Prison without sufficient Ground: That none be sent for from far, without the Accuser have first engaged himself solemnly to undergo the punishment due to the Offence if he do not prove it. That thirty Days time shall be allowed such an one to dispose of his Business, and to comfort and settle his Family before he undertook his Journey, by the ordinary Judge of the Province, or the Municipal Magistrate, to be reckoned from the entering of the Decree; that so there may be no opportunity left to the Messenger to make his Markets out of him, for any Reprieve. And when he is produced before the Judge, before whom he must receive his Tryal, he shall have the Assistance of an Advocate, be examined, and understand what is laid to his Charge; which done, in a condition equal with that of

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L. de opibus  
publicis Cod.

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his Accuser, he shall abide his Tryal. Being now in Prison, he commands that he be not there long kept, nor his Tryal protracted, but thereby all occasion be cut off from Jailors, and Keepers, of making their Markets by procuring to Prisoners a speedy Hearing. To this purpose he requires, that the *Commentariensis*, even thirty day, present to the Judge an Account of the Number, Variety of Crimes, Order, and Age of the Prisoners; as *Constantinus* formerly had ordained that they be fully heard within one Month. This he will have done, or the Office fined in twenty pounds of Gold: And a lazy, proud and careless Judge, Banished the Province, and fined also in the sum of ten pounds. These are the several Laws made this year by *Theodosius*, whom leaving at *Constantinople*, we must see what was done, in the mean time, by *Gratian* and *Valentinian* in the West.

Gratian in the  
mean time fa-  
vours the Na-  
vicularii.

68. The first thing we meet with, is a heavy Complaint made to *Gratian* by the *Navicularii* of *Africa*, concerning the Breach of their Privileges granted by former Princes. To put them into heart again, and that *Rome* might not suffer by want of Provisions, in Answer to their Petition, he Confirms what Immunities they had received from his Predecessors. In the first place, he establishes upon them the *Æquestrian Dignity*, which had been conferred on them, both by *Constantine* the Great, and *Julian*, by Laws made for that purpose; which are not now extant. And as this, amongst many other Privileges belonged to that Dignity, that such as enjoyed it were exempt from Corporal Injuries, as they were termed, that is, from Examinations by Stripes and Tortures, *Gratian* confirms it also to them, threatening all Judges with grievous punishment, in case they treated any *Navicularius* in so severe a sort; and also their *Apparitors*, whose duty it was to put them in mind of their Office, when they saw them transported with any passion. In the third place, he delivers them of the Fear they were in, of being forced to the Services of Corporations, agreeing with them in what they urged in their Petition, that in pressing necessities, such as already had been bound to the Services of the *Cæsar*, were wont to be discharged, and added to the Body of the *Navicularii*. Besides this, he establishes their Ancient Immunity from the Burthen of the *Lustrum Collatæ*, and Custom for their Goods; which favour was granted but to few Persons; but whereas some of them might abuse this Liberty and defraud the Publick, by concealing the Goods of other Men, and giving opportunity to Merchants to steal the Customers of their Wares, he charges the Judges concerned in such matters, to take especial Care, that no such ill Use be made of his Indulgence.

69. In the same Constitution, he abates the Rigour of a Law made by his Father, which required, that half the Number of the Mariners of a Ship, should be subjected to Examination, in Case of Shipwrack, and the Death of Passengers caused thereby. Moved by their Report, he permits that but two or three be examined. But in Case the Matter of the Vessel were living, the truth should first be inquired of from him, as supposed the best to understand all matters of such Concernment. If so be he had miscarried, Choice was to be made of other Mariners; and if all were lost, Inquiry was to be made among the Relations of the *Navicularii*; and he appoints a very large time, in which this Tryal shall be terminated, viz. five years; one, or two having been the usual Term for such Business. Besides these Acts of Grace, he takes Order also, that what had by the Laws been allowed them for loss of the Grain by Leakage, or other Accidents, should not be diminished by those Officers, whose work it was to oversee the Transportation of Corn. He declares at what time of the year they shall begin to transport the publick (or Fiscal) Grain, and when they shall leave off their Navigation. For of old, before the Invention of the Compass, there was wont to be some definite time, for opening the Sea, and as it were, for the shutting of it; for so both were termed by the Antients, who were wont to Celebrate both these times by solemn Sports and Merriments. In Spring, you must know, they were so bold, as to adventure forth; and yet they accounted it but doubtful and dangerous to stir out before Mid-May. Now *Gratian* will have the *Navicularii* take a middle Course; viz. to begin the first of April, being it was not so late as May, and nearer to Summer than was March. And whereas the Seas were not so ordinarily to be shut up till the eleventh of November, he will have Navigation (with the Fiscal species) to cease all this Month, and part of October also; for he appoints the time of freighting the Ships to extend to the first of October, and thenceforth Navigation to continue till the Ides or fifteenth of the same Month inclusive, thereby allowing fifteen

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teen days for Sailing from *Africk*, and unlading in the Port of *Rome*, five thousand Furlongs being reckoned for the Breadth of the Streight betwixt this Port and that of *Carthage*. But afterward, this time of Navigation was enlarged, as we may see in convenient time. In the last place, *Gratian* will have the Number of the *Navicularis* increased, by calling all men to the Function (if need be) that are not employed in publick Buſines.

He makes  
some Laws  
in order to War.

70. We do not Read of any Expedition made by *Gratian* this Year; but that he apprehended the Occasion of one, and probably feared the motions of the Barbarians towards the North, we cannot but believe from the Preparations he made this very Spring. For being now at *Triers in Gall*, he issued out Orders to the *Præfect of Italy* (to whom he gives the Attributes both of *Vir Clarissimus*, and *Illustrius*) for an Imposition of extraordinary Services and Payments, and amongst the rest, for a Levying of men, and provision of Corn and Horses in *Italy*, and the *Suburbicarian* parts. But from these extraordinary Services he will have secured the Tenants of his *Patrimonial* Lands, their Aſſors or Stewards, and such as possessed them in perpetual Right. And from the finding of *Tirones* or New Soldiers, he also privileges the *Suburbicarian* Partas as he terms them, which were often befriended, as we may believe, for the sake of *Rome*, the Diocess of which they were accounted. The Corn and Horses he commands to be hastened in such manner, as having Authority over these parts of *Italy*, and the *Suburbicarian* Provinces; for although *Italy* and *Rome* it self had fallen to the share of *Valentinian* his Brother (who himself made Laws also this Year, though hitherto not of that Consequence so as we think fit to trouble the Reader with them) yet he being still very young, he governed both those quarters, and in *Gall* also. As this Law provides for the raising of Soldiers, there's another as necessary, which bears Date some four Months after, as made against their running from their Colours; inflicting punishment on such as should conceal such Fugitives, and proposal of Rewards to those that would discover them so offending. The Stewards or Managers of Lands offending in this point, it Condemns to no milder a Death than that of Fire; and the Lords of such Estates it deprives of such Grounds, as by their Design afforded them Lurking holes, according to the ordinary Custom of forfeiting Lands by procuring, or admitting unlawful things to be done upon them. As for the Discovers, if Slaves, it rewards them with freedom; if free, and of ordinary Condition, with Immunity from Civil Employments; nay the very Offender, if he make himself known, it requites with Impunity; but inflicts Death upon him that lies concealed; and severe Punishment upon Governours of Provinces and their Officers, if Conceiving. Now this Edict is as much to be ascribed to one that has already raised an Army, as that we can see no Reason why *Gratian* should imagine *Gratian* to have been Author of that, but *Valentinian* of this. The Proposing of it at *Rome*, can no way evince it; for the Reason he himself alleges, why the Eldest Brother exercised his Authority in *Italy* and in that City.

71. The following year, being the CCCLXXXI of our Lord, and the sixth of *Valentinian* the second, had for Consuls *Fl. Siagrus* and *Fl. Annus Eucherius*. The *Præfetti Prætorio* mentioned under *Theodosius* were *Eutropius*, *Neutherius* and *Fl. Siagrus Florus*; and *Siagrus* under *Valentinian*, *Gratian* and *Valentinian* made their Abode at *Milan*, or *Aquileia*, and *Theodosius* at *Constantinople*, till near the middle of *July*; toward the end of the year he removed from *Heraclea* to *Adrianople*, but returned back to *Constantinople* in the same Month of *September*, and there continued all the rest.

"About this time it is that *Zosimus* tells us how *Gratian* sent one *Vitalianus* to Command the Legions of *Illyricum*, a man no white able to sustain any difficult or dangerous Enterprize. While he there lay, two Parties consisting of so many German Nations, beyond the *Rhine*, of which one was headed by *Fritigern*, and the other served under *Alothus* and *Safraces*, so pressed upon the *Galls*, that they constrained *Gratian* to give leave, that on condition they would quit the *Gallick* Regions, they might pass the *Ister*, and bestow themselves in *Pannonia*, and the upper *Myſia*; and this he granted out of his earnest desire to be rid of them, by reason of their continual Irruptions. They, to improve the opportunity crossed the River, and through *Pannonia*, resolved for *Eps*, and passing over *Achelous*, to fall upon the *Greek* Cities; but, in order to this, *Athanarich* the chief of all the Royal Bloud of *Scythia*, they concluded was to be removed out of the way, that they might not leave an Enemy at their Back. Upon him they fell, and easily drove him out of those places which he held, who

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381.

Minerals to L.  
12.44. Extrac.  
Alumini etc.  
Cod. Th. ad  
Theodorum  
Cap. 12. P.  
Dat. 15. Jul.  
Adv. Albi. A.  
Cod. Just.  
Emphyteuſiſti-  
ca.

Allores pſſiſſi-  
ſſum.  
L. 4. de Deſti-  
nat. Cod. Th.  
lib. 7. tit. 18.  
P. 1. id. Jul.  
Rome. Et L. 1.  
Cod. Juſt.  
tit. 18.

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381.

Fl. Siagrus  
Fl. Annus  
Eucherius  
Cof.

Athanarich  
driven by the  
Germans out  
of his Coun-  
try.

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speedily betook himself to *Theodosius*, but lately recovered of a dangerous Sickness. The Emperor kindly received him, with all the Barbarians that accompanied him, going out of the City to meet him; at a good distance: And the Mandyng not long after, he Buried him with Royal Pomp, and so great Magnificence, that all the Barbarians being affrighted at the Stateliness of the Funeral, the *Scythians* returned home, resolving no more to molest the *Romans*; so greatly did they admire the goodness of the Prince; and such as came over with *Athanarich* set themselves diligently to keep the Bank of the River; and a long time hindred all Incursions from being made into the *Roman* Territories. Thus much writes *Zosimus* concerning that *Athanarich*; who though he pretended his Father had made him swear, that he would never set Foot on *Roman* Ground; yet afterward laid his Bones on *Roman* Earth, coming to *Constantinople* on the thirteenth of *January*, and there dying on the twenty-fifth of the same Month. We see by this Story of *Zosimus*, how the *Germans* pressed upon the *Gallick* Nations, and about the same time that the two Laws lately mentioned concerning the Raising of Men and Provisions, and against the concealing of Fugitives, were made; so that we need not seek for any other occasion than this, nor any other Author than *Gratian* himself.

Theodosius suc-  
ceeded by Zo-  
simus and the  
Annals of other Histori-  
ans.

72. But, *Zosimus*, proceeding in a reasonable good humour, tells us, that at the same time some other things happened luckily to *Theodosius*. For he overthrew in Battle the *Scyri* and *Carpadoce*, which were mixed with the *Huns*, and compelled them to repass the *Ister* into their own Countries. Now again the Soldiers began to reſume their former Courage, and seemed to receive hope, notwithstanding the mischiefs that had formerly happened; the Husbandmen were incouraged to renew their Labours; there being free indifferently Pasture afforded to Flocks and Herds. And now the Historian condescends so far as to tell us that in this manner *Theodosius* seemed to heal the former maladies of the State. And he adds, that *Promotus* at this time commanding the Army which consisted of Foot in the Province of *Thrace*, fell upon *Odothorus* who had gathered together a vast Army, not only out of such Nations as Bordered upon *Ister*, but others more remote and unknown; and by this time was passing the River. But *Promotus* met him in his Passage both with his Foot on Land, and Boats upon the Water, and made so great Slaughter of his Men, that he filled the River with dead Bodies; and the slain that lay on dry Ground could not be numbred. What *Zosimus* tell us of the success of *Theodosius*, is by others in general terms attested, and especially what he writes of the Clemency and goodness of his Nature, concerning which we hear enough on all Hands. By the force and efficacy of this Weapon it was, not by *Garrigons*, *Archers*, or Armed Men, as *Themistius* tells him, not by *Armenians* or *Spaniards*, or by multitudes of Armed Horses that he extinguished the *Scythian* Flame; for it went out of it self, by reason of his Prudence and good Advice. This is a Testimony given by one *Pagan* to another, to which if we may add what is further said by an Historian of these same times, of our own Profession; He writes further, that all the Nations of the *Goths*, by *Zosimus* termed *Scythians*, after their Kings Death, beholding the Vertue and Mildness of *Theodosius*, gave up themselves to the *Roman* Empire. That in those days also, the *Perſians*, who had sufficiently insulted for their Victory over *Julian* and other Emperours, and their late putting of *Valens* to flight, sent Ambassadors on their own Accord to *Constantinople*, and in a suppliant manner desired Peace. whereupon that League was made of which all the East, faith he, to this day, with so much Tranquillity, reaps the advantage. So he protected the Empire from its foreign Enemies. Now let us see how by Enacting wholesome Laws, this year, he contributed to this Protection, and further corrected the inward Distempers thereof.

73. To the protection of the Province he contributed by publishing an Edict of the same import with that of *Gratian*, lately mentioned, against such as harboured the Soldiers that ran from their Colours, imposing the same punishment upon the Stewards and Agents, as also the same penalty upon the Owners of the Lands; and this we may guess was done in Order to the *Scythian* or *Gallick* War, which, for these three years, continued, notwithstanding the industry used by the followers of *Athanarich* upon the Banks of *Ister*, which *Zosimus* mentions. The Imperial Authority could not support the State except it was likewise supported by the Revenue; but this was lessened by some Covetous persons, who, possibly encouraged themselves in their fraudulent practices, by hope of Impunity conceived from the Emperours Clemency. For we find that at this time it was become too frequent to cheat the pub-

He makes fe-  
vere Laws for  
visiblicating  
his Revenue,  
from gross  
Abuses.

Grat. 6.

Gratian lib. 77.  
c. 34.

L. 5. de deſer-  
tariis Cod. Th.  
Dat. 16. Jul.  
Fabr.

U u

lick



Sect.3.

lick, even by cutting down Trees and Vines, thereby to pretend Poverty and evade the Tax, in the Books whereof was usually registered what Trees were in a Field and what or how many Vines in a Vineyard. "This Fraud he thought fit now to punish by no less a Censure than of death and confiscation of Estate; with a caution not to trouble any Person that used that course merely for the improvement of his Grounds; which severity, however proper for the cheats of this present time, yet was thought too great to be continued, and therefore though the Law be taken into *Justinian's* Code, yet the penalty is changed from Death and Confiscation, to such punishment as the Judge, having cognizance of the cause, should think fit. There was another Abuse committed betwixt such as managed the Publick money; and other persons who were wont to borrow it of such Officers; which proving very inconvenient in draining the Treasury, so as it could not suffice for the publick charge, he forbids his Money either to be lent or borrowed. "Such as should borrow it either upon Bond or word of mouth, he punisheth with confiscation of Estate and perpetual Deportation; and those who under Notion of publick Creditors should either lend or give it, with no less than Death. This bears date on the one and twentieth of *July*, from *Heraclea*, whither he removed from *Constantinople* upon occasion, as it's thought, of the War with the *Scyri* and *Carpodace* mentioned by *Zosimus*. He took further notice this year, that the miserable Provincials were harassed and compelled speedily to pay their Taxes; and yet notwithstanding, nothing or but little, often time came to the Treasury, by reason that the Officers belonging to the Revenue trafficked and made their own Markets of it. "He inflicts death upon such as should so intervett the money, and upon Judges or Governors of Provinces, except after the recit of it, by their Officials they signified that was committed to the publick Custody at such a distance as was usual. And if the money were kept ten days longer by the Officers of the *Comes Largitionum*, or those whose work it was to convey it, they should fine in two hundred Parts of the value of the Summe.

A.D.  
381.

L. 1. de Crap-  
tibus Cod. Th.  
lib. 15. tit. 11.  
C. de Crap-  
tibus Cod.  
Th. Justinian  
interpretat.

L. 2. de his  
qui cum his  
justitiam, &c.  
Cod. Th. lib.  
10. tit. 24.  
Aug. ad Pals-  
dium Com. S. L.  
C. de Crap-  
tibus Cod. Th.  
Justinian  
interpretat.

L. 3. Cod. Th.  
lib. 15. tit. 24.  
Aug. ad Pals-  
dium Com. S. L.  
C. de Crap-  
tibus Cod. Th.  
Justinian  
interpretat.

L. 10. de Titu-  
lis Cod. Th.  
Dat. Non Sept.

L. 84. de De-  
claracionibus  
Cod. Th. P. P. Kar-  
thegeus 15.  
Kelt. Mori.  
Abst. à Cod.  
Jul.

L. 5. de Hono-  
rariis Codicili-  
bus Cod. Th.  
lib. 6. tit. 22.  
Dat. 3. Kelt.  
Appl. L. 6. de  
Procuratoribus  
Cod. Th.

L. 2. de Pri-  
miceriis Cod. Th.  
Justinian  
interpretat.  
L. 1. de Pri-  
miceriis Cod. Th.  
Justinian  
interpretat.  
L. 1. de Pri-  
miceriis Cod. Th.  
Justinian  
interpretat.

de digni.

75. But

Against the  
Muri.Valentinian  
Gratian makes  
a Law about  
Elections in  
Corporations.About Prece-  
dence.

Sect.3.

75. But as for his own Palatine Officers, if they, as for Example a *Primicerius* of the *Notaries*, should part from the Confistory, or he who immediately followed him, as the *Tribune* or *Notary*, or other *Notaries* and *Tribunes*, or *Domesticks* and *Notaries*, and obtain by Codicils the Dignities aforesaid, they should be preferred before such as had exercised such places, if he by them were of more ancient standing. In like manner he resolves that the *Proximi* of the *Scrinia*, and the *Magistri Dispositionum* shall be so equalled with those of the order of *Precurs*, that if they first were dismissed out of the Palace, with this honorary Dignity, they shall precede others who had really discharged this place and Trust. But, as to the *Notaries*, we are to know further, that the *Primicerius* and *Secundoclericus*, at their dismissal, were preferred before *Vicars*, and made equal to *Proconsuls*; the other *Tribunes* and *Notaries* were made of the same Rank with *Vicars*; and the *Domesticks* and *Notaries* (for there were three Ranks amongst them) with *Consulares*. This same year *Theodosius*, as by consent, made two Edicts concerning the same Subject, one whereof being next in order in the Code to that made by *Gratian* concerning the *Notaries*, differs little from it, but only in this "That he will have the Dignity of the *Primicerius* to have its original from the very time of their entering the Office of *Primicerius* and *Tribune*. As also that he will not have the *Pretorian Tribune* and *Notaries* to be taken for Persons of the same Rank and Quality, as to be ranked with *Proconsuls*, but in the next Degree with the *Comites* of the *East*, or *Egypt*; for these two were next in Degree to the *Proconsuls*, as also the *Comes* of *Pontica*, but superior to all other *Comites*, *Duces*, *Vicars* and *Consulares*. Now the *Tribune* of the *Pretorian Notaries* was the same thing amongst the *Notaries* of the *Prefecti Pretorio*, as the *Primicerius* now spoken of amongst the *Notaries* of the Prince. In like manner next in the Code to the Edict of *Gratian* concerning the place of such as had without the Palace by Letters obtained Dignities, we find one of *Theodosius* immediately following, and concerning the same matter to the same purpose. "For he will by no means suffer such as lie in the shade, and rather by favour than any good desert, have obtained Honorary and Titular Dignities (so did not they that served in the Palace) to be ranked in the same degree and quality with Persons who by their Actions or worthy discharging of their Employments had commended their memories to Immortality. The last Edict which the Code presents us with this year is another of *Valentinian*, to constrain such as were bound to make an Annual payment of or for Provisions to the City of *Rome*, to discharge their Duty; ordaining "That if they paid it not within the year, they should forfeit as much more, and if afterward they delayed, fourfold as much. For it is to be known that certain Provinces paid a yearly Tribute to the Treasury or Chamber of *Rome*, with which Corn was bought in *Spain* and *Egypt*. The Tribute was wont to be behind, and therefore, the Possessors of the grounds were intended to be quickened up by this Constitution.

Valentinian  
concerns him-  
self for furni-  
shing Rome  
with Necessa-  
ries.

Theodosius re-  
lates liberty  
in Apparel in  
three sorts of  
men.

76. The CCCLXXXII year of our Lord had for Consuls *Fl. Antoninus*, and *Fl. Siagrius* the second time; it being the seventh of *Valentinian* the second, and the tenth Indiction. The *Prefectus Pretorio* under *Theodosius* was *Florus*; and under *Gratian* and *Valentinian*, were *Severus*, *Siagrius* and *Hypatius*; *Procus* was both this, and the former year, *Comes* of the *East*, and *Palladius* was *Præf. Antefectus Augustalis* of *Egypt*. *Theodosius* the Emperor continued this year at *Constantinople*, and there, on the one and twentieth day of February intombed the Body of *Valentinian* his Predecessor. In the beginning of the year he considered of an useful and material point for the keeping of good Order and Decorum amongst the People, viz. what sorts of Clothes were fit to be worn in this City; particularly by *Senators*, *Officiales* and *Slaves*, who were wont, by promiscuous and common Use of Garments, to make themselves little differ in appearance both from other Persons, and amongst themselves. This laudable Reformation had been formerly and seriously thought of by *Alexander Severus*, who purposed to assign to all Ranks and Degrees their several Habits, that they might thereby be known and distinguished; especially to put a mark of distinction upon *Slaves*, to prevent all Sedition by reason of them; and that they might be discerned from Persons of Quality and of ingenuous condition. But the Project did not please *Ulpian* and *Paulus*, the great Lawyers of that Age, who alleged that it would give occasion to quarrels, if men were, by such marks, made liable to Affronts; whereupon, that Emperor contented himself with causing those of Equestrian Rank to be distinguished by the kinds of their *Clavus* or *Studdes*, and per-

L. 3. de Pri-  
miceriis Cod. Th.  
Dat. consanti-  
ni sup.

L. 6. de Hono-  
rariis Codicili-  
bus Cod. Th.

L. 18. de An-  
na et Tributa  
Cod. Th. Abst.  
à Cod. Jul.

Chron. Cod. Th.  
ad h. A.D.

A.D.  
382.  
L. 1. de An-  
tefactis Augu-  
stalis Cod. Th.  
Justinian  
interpretat.

U u 2

mitting

Sect. 3.

mitting old men to make Use of *Pemle* or Cloaks, Mantles, or a kind of Garment only proper for a Journey and bad Weather, but forbade Women to wear them in the City, though in Travelling they might do it with Allowance. But, whatever *Ulpian* and *Paulus* might think, most indecorous both it was and is, that all Persons should confutedly wear the same Apparel, that a Slave or Footman should not be known from his Lord or Master, nor a Kitchen-wench from her Lady. In the best times Governors have been careful to restrain extravagancy in this kind; neither hath such great Inconvenience followed by Africans offered from one sort of Persons to another; for Slaves and inferior Persons may be known by other tokens; as by following their Masters, and by servile works about the Streets, if any have such desire to quarrel with them.

77. Therefore both in *Old Rome* and in the *New*, or *Constantinople*, certain Persons were distinguished by their Apparel; so as they might be known when one met them; which was by commanding or permitting certain sorts of Cloaths to be worn by certain Persons, and prohibiting the Use of them unto others. Both of these are enjoined by *Theodosius* in his new Law to the three sorts of men before mentioned. As for *Senators*, the wearing of some Apparel is forbid them; the Use of another sort is permitted them; and in a certain Case necessity of one kind of Habit is enjoined them. It was grown a fition now for *Senators* and *Gentlemen* to wear the *Chlamys*, or Souldiers Coat in the City, either for that they thought it more gentle or less cumbersome than the Gown; but for as much as it is was the Military Habit, he commands it to be left off, and that in the City, which was the Metropolis or Head of the Eastern Empire, in a time of peace, the Robe of Peace and Civil Habit, viz. the Gown or other civil Garment should be worn, as well in the Morning as other times of the day, though the Senators thought they might, when they went to give the Emperor good Morrow, appear in that sort of Garb. But hereby he doth not infringe their liberty of wearing the *Chlamys* out of the Town, and neither for a bid it the *Palatine* Dignities or Officers which had been long wont to wear it in the City. Together with the Gown he will have *Senators* known by the *Co. alobium* and *Pemle*. *Colobium* was a short Coat without Sleeves, or else such as reached not to their Elbows, which as well as Shoes, it was not lawful for Slaves to wear; and besides it was studded or wrought with Purple. *Pemle* was a sort of Cloak, Mantle or great Coat, with an Hood or Capouche made of coarser Cloath, and fit only for cold and rainy Weather, as the *Colobium* for fair and serene, and therefore within the City the Emperor permits them the Use of it, which came first out of *Greece*, where it was used in these Cases as well as in Travel. In *Rome* it was first worn in wet weather by the *Tribuni Plebis*, and from them came shortly to be taken up by other Persons, at the sight of Plays and at Funerals, and as warm and convenient by old men; to whom *Alexander Severus*, as we said, permitted the Use of it; but forbade it women except in a Journey. Then at length came it to be the common Wear of all that so pleased; especially of *Senators*, who, as their *Colobia*, had also their *Pemle* distinguished by Purple. These two kinds of Cloaths they might wear in the City without the Gown; but he expressly commands "that in the Senate and in places of Judicature the Gown shall be used, and the other thrown off, when Senators were either summoned or have any Cause to be tried. In former Ages all *Romans* were known by the Gown, it was a *Gens togata*. But they became weary of it by degrees, and *Senators* would often appear in the Senate-House in their Purple *Pemle*. *Adrian* endeavoured to bring both *Senators* and *Eginites* to appear always in publick in their Gowns, except they came from Supper; but foreign Fashions and new Drests got such ground, that *Theodosius* was well content, if in the Senate-House and Courts, he could but restore this grave and ancient Habit.

Officials of  
Judges.

78. The next sort of men he endeavours to reform are the *Apparitors*, or the Officials of Judges, or publick Ministers; to whom he assigns three sorts of Garments. The first is an inward Callock or Coat, which he will ever have girt with a Girdle, as was wont of old to be the fashion for such men, and indeed all others; especially when they went about any serious business. Provided they were but thus habited underneath, he allows them the Use of the *Pemle* above; but then they must also wear upon their Breast a *Pallium* or Breast-cloth of divers colours, thereby to make known their Condition. For in Garments of divers colours, publick Servants and Officers were wont of old time to go, and not much above an hundred years since, by an Arrest of the Parliament of *Paris*, it was decreed that

A.D.  
382.L. de Habitibus  
quo uti oportet.  
intra Urnem  
Cod. Th. lib.  
14. tit. 10.  
de off. lictor.  
a Cod. Joff.A variegat  
Curtax multus,  
transcur.

Slave.

Sect. 4. Bailiffs should serve no Process, or Writs, except so clothed; a show of which we retain still in *England*, in the Coats of the Officers, or Servants belonging to our *Serjeants* at Law, who attend them first to *Westminster-Hall* in their solemn passage through the streets; and afterwards also for some time, in party coloured Coats. In the last place he regulates the Habit of *Slaves*, which was usually wont to be distinguished from that of other Persons. "He forbids them the Use of other Clothes wont to be worn by persons of free Condition, only permits them the Use of those called *Byrrhi* and *Cuculli*; which though not properly be long to them, yet were, it seems, accounted the meanest, and vilest sort of Wears. The *Byrrhus* was a sort of Close Coat, for its straitness and uneasiness much despised; and the *Cucullus* was not that Covering of the Head, Cowl or Capouche, which hath more lately gone under that Name, but a mean and coarse covering, though with such a Capouche set to the Neck of it. Now for the penalty (without which a Law is without a sting) he will have such *Senators* as neglect to observe it, deprived of their Senatorial Dignity, and of power to sit in the Senate; and so far as he thinks the Condition of Officials, and Slaves not capable of shame, he subjects them to the pain of banishment. And whereas the *Censures* of the City, or the Officers under the *Magister Censur*, as we have seen already in the Case of Students, were the Keepers of publick Decorum and Demeanour; he imposes a Fine of Twenty pounds of Gold upon their Company; if knowing any to transgress this statute, they reveal it not, whither out of connivance, or by money bribed to hold their peace.

79. But for all this, so mildly did *Theodosius* behave himself, that thence ill disposed people still took occasion to defraud the Publick, and abuse his Clemency. When they owed Money or Tribute to the Treasury, they procured from him Recipients to the Officers, whereby respite was granted, for payment of the Debt; of which inconvenience, he became now so far convinced, that by an Edict he declared all such Receipts to be Void and Null. And now, whether he resolved to be more severe, or was put upon it by *Paganus*, the Comes of the East, against whose Cruel and Tyrannical Disposition *Libanius* inveighs; or else induced thereto by the great Regard he had to the good and emolument of the *Curie*; he declared by another Edict, directed to the said *Procus*, that all such as had within Twenty years, from the tenth Consulship of *Constantius*, and the third of *Julian*, been advanced from *Curiales* to the Senatorial Degree; should either be compelled to perform the Services due to the *Curie*, or if they had already discharged them, to substitute some in their Rooms, to represent them to the said Courts; which Law was purposely designed for the Corporation of *Antioch*. About this time, he seems to have received some complaints against the *Agentes in Rebus*, the Rapines and adulteries of which sort of men, as we have formerly seen, were frequent; which caused him to give directions to *Palladius*, the *Magister Officiorum*, for the careful choice of them, and great caution in their promotion. For their first Reception he will have none admitted, though he come with the Prince his Recommendation, without due Inquisition first made into his Manners, and Original; and that in the presence of the major part of the *Schola*, or Company. Then for their Promotion, that such as are received be not promoted to the first step of Preferment, or that of Horsemen, till after five years service, wherein they have been employed in frequent Missions. And the Promotion to each Degree as they fill in Order, must not be *per saltum*, as neither without the approbation, and consent of good and honest men. His hand, being in, this year for Reformation, he extended it from that of the *Agentes in Rebus*, against the Insolence, Covetousness, and Rapacity of the *Numerarii*, whom he permits not to adore the People, or to come out of their Offices, till they have spent a full three years therein; whereas before, two years sufficed to that service. But when they were out, they aspired to Higher Dignities, and thereby escaped that strict Examination, and Inquiry, which even by torture there was need to be made into their Manners and Deportments, which were often so bad, that instead of three, five years were afterward required of them, within which they could not forsake that station, nor make a step into that of *Domestici*, which they so much desired. This he did for the Quiet of the people; having for that cause, before this Ordained that of these *Numerarii* (or *Telularii*, as they are also called) should be Ordained: two in every Province; whereof one should take the Accounts of such matters as sell, or belonged to the Chief of the *Comes Rei private*, and the other, those appertaining to the other Treasurer, or

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382.L. 6. de Di-  
versis Receptis  
ed. Th. lib. 1.  
tit. 2. De  
consul. 7. Kel.  
Mars. ad Flo-  
yam, P. 2.L. 50. de Di-  
versis Receptis  
ed. Th. consul.  
8. id. Marsin  
suppl. a Cod.  
Joff.L. 4. de Agra-  
tibus in Rebus  
Cod. Th. Dat.  
consul. 12. Kel.  
April. Auct. a  
Cod. Joff.L. 13. de Nu-  
merariis Ad-  
ar. lib. 80. Cod.  
Th. Dat. ad  
consul. 18. Kel.  
Ostob. Auct. a  
Cod. Joff.L. 12. Ed. tit.  
Cod. Th. Dat.  
consul. 7. Kel.  
April. Omnia  
Religionis  
Provisio  
L. 2. Cod.  
Joff. Ed. tit.  
Comes

Sec. 3. Comes *Largitionum*, that all Confusion might be removed, and this under a "great penalty he enjoined all Governors of Provinces to see observed, the Edict being them directed. In Conclusion, to prevent any mischief, while they were in the Provinces, he forbade their buying any thing, or making any other their contract.

80. Another extravagant fashion in Apparel he reformed about this time, where-  
with whole Patrimonies were exhausted, both by Men and Women. There was  
a sort of Lace, or Border called *Paraganda*, sometime made of Linnen, sometime  
of Silk, or of Golden Twill; which by former Emperors had been permitted to be  
worn by Tribunes, and Officers of the Army; and afterwards was used by Char-  
iot-drivers at the *Circenfian* Games in the time of *Constantine*: Women delighting  
also much to be seen in this kind of Dreß. But *Valens* taking notice of the  
Abuse, had forbidden the Use both of those of Gold and Silk, as well to Women as  
to Men, and would have them made only in his own *Gynæcia* or Work-houses:  
And now *Theodosius* renewed the Prohibition, as to these golden *Paraganda*, both  
in Coats, (*tunicis*) and in Linnen Garments; so expensive and *Gaudy* they were.  
For we may with as much reason, derive our word *Gaudy* from the *Parthian* *Pa-*  
*raganda*, as the *Spaniards* do their *Brocade*, and the *French* their *Broche d'or*; and  
with much more. Thus our Emperor laboured to Correct the Disorders of the  
times; but still had his Eye upon the Governors of Provinces, upon whose De-  
meanour the good of the People subject to their Jurisdiction did chiefly depend,  
as to the Administration of Justice and other matters. To make their Sentences  
in Judicature more solemn and confederate; he renewed the order made by *Va-*  
*lentinian*, or brought it into the East, that they should ever be written, and our  
of writing read, or pronounced, to one of whom, *Clearchus*, he directs his Mandate;  
lustrous *Præfets* themselves, to one of whom, *Clearchus*, he directs his Mandate;  
telling him, it is fitting that his Highest obey his Imperial Laws. But at this time  
was discovered to him how one *Natalis*, formerly *Dux of Sardinia*, had (pro-  
bably during the Reign of *Valens*) wronged and spoiled the People of that Pro-  
vince, and it seems, was got away before the complaints of the oppressed could  
reach the Ears of those to whom it belonged to redress such grievances. *Theodo-*  
*sius* considering of the matter, resolved it was the best course to send him back  
into the Island; the complaints of the miserable Provincials, either never, or felt  
dom, coming to the knowledge of the Prince, at least very late; and such as  
were appointed to hear them, often misarrying in their Intelligence, as well as he  
by reason that witnesses, or possibly the parties themselves, were unable to tra-  
vel. For this cause it was afterward ordained that the *Chancellors*, and *Dome-*  
*sticks* of the Judges, should for some time, stay in the Provinces, after their time  
was expired; nay, afterwards the Governors themselves, sometimes three months,  
sometimes thirty days; and that in the *Metropoles*, or Towns of greatest conourse,  
that there might receive either the applause of their good Government, or  
be liable to the objections of Rapine, or other faults of their male Administration;  
and if they were got away, and endeavoured to conceal the guilt of which they  
were conscious, they should be apprehended, and sent back into the Province,  
there to continue for four months together.

81. The first indeed that began this wholesome course, was the Emperor *Val-*  
*entius*; but with the *Numerarii* or *Tabularii* only, not meddling with Governors of  
Provinces, or their Domesticks. Then he ordered to stay a year or two in the  
Province, to give account of their Doth and neglect, and this at length was drawn  
into example, and applied to the Judges themselves. *Theodosius* now, as to the  
Cause in hand, as well provided for the Relief of the Provincials, by causing the  
Offender to be conveyed back, and that under Charge of Criminal Persons (to  
whom often was committed the Prosecution and charge of Criminal Persons) and  
there to be punished two several ways. For he will not only have him answer  
what Injury he had done himself, but the insolences committed by his Officers and  
meaner followers, a thing not heard of before, that a Judge should answer the  
Thefts and Rapines of his Minifters, (who themselves might be called to account)  
though what his Wife did amiss, was wont to be required at his Hands. But  
whereas by means of their Attendants, they were wont to Harass the People,  
or at least to Connive at their Insolence and Oppressions; he makes this Man  
or at least to Connive at their Insolence and Oppressions, who were chosen by the  
lyable to the miscarriages, not only of his Domesticks, who were chosen by the  
publick, but of his very meanest menial servants. The Fine it self he appoints to  
be the fourfold value of the loss sustained by the Party, who it seems also was to  
have

Sec. 3.

have the benefit of it; that being the ordinary Fine for Theft and Rapine, as also  
of Bribery and Cheating. This Edict is directed to one of the Successors of this  
*Natalis*, by the Name of *Maitronianus*, *Dux* and *Præfets of Sardinia*; for some  
(of the smaller) Provinces had the same Persons, sometimes both *Duces* and *Præ-*  
*fides*; that is, both Civil and Military Officers. And whereas *Sardinia* was the  
Province, we may take notice, that at this time this Island belonged to *Theodosius*,  
his District, or to the Eastern Empire; though afterward it appertained to the  
Western: First, to the Diocess of *Italy*, and at length of *Africa*. One might  
imagine that this Law, which though made upon the occasion of *Natalis* his Mis-  
demeanors, yet was to stand good against others, for the time to come, (and  
accordingly it was put into the Code of *Justinian*) might have seemed sufficient  
to the Law-maker to restrain this Rapacity. Yet three months had not passed,  
ere he not satisfied with what he had done, declared by another, directed to *Flo-*  
*rus* his *Præfets Prætorio*, that the Heirs of such Offenders dying, should incur  
the same penalty, though they themselves had neither been condemned nor cal-  
led to Account. This indeed had been formerly Law as to this Crime; but the  
Suit was to be commenced against the Heir, within the term of one year, where-  
as he will have the Action lye indefinitely.

He shows  
great care for  
Corporations

82. Great care he shewed at this time of the Corporations, from the service of  
which he would have none excused, but they must discharge what already was  
Incumbent on them, and substitute fit Persons in their places. Nay, all Senators  
that from *Curiales* had obtained that Dignity; he will have *Clearchus* *Præfets* of  
*Constantinople* to remand to their several Courts, and not them only, but all their  
Sons, although begotten during their Senatorial qualities. And, as if they retained  
still as much Dignity by being Members of the Senates of these Ordinary  
Cities, as if they had been Senators full of the two Imperial Seats, he commands  
that none of them disgrace their liberty and quality by being Bailiffs, or by mana-  
ging the Lands of other men, a matter in those days appertaining to those of a  
Servile condition; and this under no less penalty than that of Deportation to  
him that undertakes the Service, and to the owner of the Estate, the loss of his  
whole Patrimony. So severe was he to those who made themselves a kind of  
slaves, and got new Lords for Profit or Advantage: And as sharp he shewed him-  
self against such as were slaves indeed, but would be rid of their Service, and  
their Lords together. In the Province of *Lydia*, some accused their Masters  
and that out of Hope of Impunity upon proof of what they objected. But upon  
Consultation of *Pancellinus* the *Consularis*, he appoints that such Traitors be put  
to death, notwithstanding they made good their Charge, which must be under-  
stood, except the crime was of the Nature of High Treason; for then the lesser  
was obscured by the greater. But as *Theodosius* shewed himself sharp against slaves  
that betrayed private men, *Valentinian* exercised severest severity against such Per-  
sons as offered those that were Knaves, or Cowards, to publick Military Service; which  
was become so common, that, of them he required the value of such a Tiro, or  
new Soldier, as should run away within one year after their lifting; such as  
should conceal them, in conformity to former Laws, he will have, if Stewards,  
to be burnt alive; and if Masters, to forfeit the Lands in which they were  
concealed. And whereas the Sons of *Principales* were obnoxious to the Service  
of Officials, as well as their Fathers, as the Emperors in other Cases of deserted  
Military employments require money to be given, so also in this civil one, to  
make amends for that injury otherwise offered to the Common-wealth. At this  
time also, so notable for Desertions; complaint was made that many of the *Curiales*  
had forsaken their Stations at *Carthage*. Such as had already done it he excuseth,  
if so be they had served in the *Militia Armata* four years, and thirty in that  
called *Militia Palatina*, as *Provosts*, or *Domesticks*; but for the time to come  
he forbids either sort of promotion to afford them matter of excuse, and that  
by an Edict sent to *Syagrius* his *Præfets Prætorio*, who was a Person taken  
notice of for his favour to all *Palatines*, or Courtiers: To him this year by an-  
other Law he gave Order that the Sons of *Curiales* should follow the Condition  
of their Fathers; though their Grand-fathers, and Ancestors were free from any  
such Obligation. And that the Sons of veteran Soldiers, if unfit for War,  
given to idleness, or rendered unexcusable by debility of body, should not e-  
scape the services of the Courts.

And against  
such Curiales  
as deserted  
their Stations

83. The Provincials of *Africa* he further pleased this year, as by other Edicts,  
so especially by one directed to *Proconsuls*, *Vicars*, and other Governours, whereby  
he

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## Sect. 3.

Orders of the  
Prefecti Prætorio,  
for Taxes to be confirmed  
by the Emperors.A Law against  
slurdy Beg-  
gars in Rome.Extraordina-  
ry Taxes, and  
fordid Im-  
ploysments im-  
posed in Italy.None to be  
excused from  
extraordinary  
Payments.But from Ser-  
vices, eight sorts  
of Persons.

he forbade them to obey the Letters of the *Prefecti Prætorio*, when they laid "new or extraordinary Impositions upon the Provinces; except they were con-  
firmed by Warrant of the Prince himself. And as acceptable a Law he sent to  
Rome not long after, directed to *Severus the Prefectus Prætorio*, (or of that  
City) for banishing thence all Lusty and Sturdy Beggars. The greatness of the  
Place afforded now such reception, and concealment to multitudes of People,  
that slaves, and labourers, who were weary of service, resorted thither out of the  
Provinces, hoping to find shelter for their sloth; which thing, very inconvenient  
at all times, was now the more intolerable; for that in those days, this City was  
often pinched with Want, and this constrained the Magistrates to expel the Town  
all vagrants and useless Persons. He commands that those Beggars be discover-  
ed, apprehended and farched, whether they were healthful and able to work;  
if such they were found, and discovered to be of servile condition, they should  
be forced back to slavery; if found to be free, but in service they should be  
remanded to that (perpetual) service or labour at Husbandry, called *Colonatus*;  
and so both sorts remain either slaves, or servants to the discoverers; which was  
an effectual course to have the City swept of such Vermin. We may add that  
the Christian Religion by its Principles, and Precepts inclining the Professors  
thereof to more than common Charity; such Rogues abused the opportunity  
which the truly poor and indigent thence had for Relief, and begged those  
places about the Vatican, and the Church of the Apostles especially; where they  
wrought by their hypocritical complaints upon those that were compassionately  
inclined, whether Ecclesiasticks or others. And *St. Ambrose*, Bishop of Milan, writ-  
ting hereof at this very time, advises Clergy-men not to employ their Charity upon  
such undeserving persons, but to be careful and circumspect upon whom it was they  
bestowed their Alms.

84. What we have lately observed out of *Zosimus* concerning the Motions in  
*Illyricum*, and *Vitalianus* being sent to command there, some think to have fallen  
out about this time. For throughout the Provinces of Italy, as well as in other places,  
were new extraordinary Taxes, and fordid Impositions imposed upon the  
people; which, as *Valentinian* took care that they might not be without his  
knowledge and consent, and thence occasion given to the Rapacity of his Officers;  
So he took some pains to distinguish betwixt Things and Things, Persons and  
Persons; that all alike, and confusedly might not be obliged to the same services.  
Therefore in the first place, he gives order to *Hypatius the Prefectus Prætorio*,  
that his Lands in *Africk*, particularly those called *Emphyteuticæ*, or held by Ten-  
ants in perpetual Right, should not be subject to extraordinary services; be-  
cause in way of exchange, and to be excused from these impositions, besides  
the ordinary finding of Corn and other things, they paid a constant and certain  
Rent in Gold. And whereas the setting out of Men and Horses was now used  
and pressed upon the Provincials, for the expedition of *Illyricum*, or for that Re-  
lief which *Theodosius* had required of him and *Gratian*; these belonging to the  
Court were, it seems, also named to contribute towards the Supply, which caused  
them to betake themselves to him by Petition, that they might enjoy their wonted  
Privileges. This he grants them Commanding by an Edict directed to *Syagrius*  
the *Prefectus Prætorio*, that the *Comites*, or *Magistri Memoria, Episcoporum*  
and *Libellorum*; as also those who wrote in their several Offices, and dispatched the  
Answers of the Prince, should be free from all vile and fordid Services, and also  
from finding of Men, and money in lieu of them as in former times. This Priv-  
ilege he also extends to them when gone from their Employments, or raised to  
higher Dignities; who by other Constitutions were excused from the setting  
out of Horses also for publick Service.

85. But so pressing still continued the Affairs of *Illyricum*, that by another Law  
published toward the end of the year, he expressly forbade *Hypatius* to excuse any  
Persons, of any condition whatsoever, from extraordinary Payments or Prestations,  
so as no Petition or Pretence should by any be made Use of. But as for base  
or fordid Services, or Employments; he thinks fit to excuse no less than eight  
sorts of men. Such he terms the *Heights of Dignities*, viz. the Illustrious Persons,  
whether Civil or Military, so often enumerated by us, the Prefects of both sorts,  
*Magistri Militum*, the two *Comites Largitionum, & Rerum Privatarum*, the *Questor*,  
& *Magister Officiorum*. In the next place the *Consistorian Comites*; next, the *No-*  
*taries*; those belonging to his Chamber, as *Cubicularii* and *Excubicularii* also;  
and all the *Palatines*, and *Military* Men in the Palace; provided they could show  
that

A.D.  
382.L. un. de  
iustitia Cod.  
Th. lib. 1. tit. 1.  
6. Dat. 7. Kal.  
Jan. mil. Co.  
et mil. Cod.  
Th. lib. 1. tit. 1.L. un. de Mi-  
nistris non  
brevis Cod.  
Th. lib. 1. tit. 1.  
1. tit. 18. Dat.  
12. Kal. Jul.  
Falsat. Co.  
L. un. Cod.  
Th. lib. 1. tit. 1.L. 13. de ex-  
traordinariis  
fuit fordidis  
Cod. Th. lib. 1.  
tit. 1. P. P. C.  
de iustitia, Co.  
L. 1. de iustitia,  
Cod. Th. lib. 1.  
tit. 1. de ex-  
traordinariis.L. 14. Cod. Th.  
lib. 1. tit. 1. de  
3. Kal. Sep.  
Capua, Co. L.  
1. de iustitia, Cod.  
Th. lib. 1. tit. 1.  
de ex-  
traordinariis.Culmina dig-  
nitatum.  
L. 15. de ex-  
traordinariis  
fuit fordidis  
Cod. Th. lib. 1.  
tit. 1. de iustitia,  
Cod. Th. lib. 1.  
tit. 1. de iustitia,  
Cod. Th. lib. 1.  
tit. 1. de iustitia,  
Cod. Th. lib. 1.  
tit. 1. de iustitia.

## Sect. 3.

Sordid Servi-  
ces what.Several Pro-  
fecti Prætorio  
of Italy at the  
same times  
and why.

that such Immunity did formerly belong to their Body, Company, or Dignity. "This Immunity he also extends to Churches, or rather leaves part of what he  
found unto them; for they were wont to be excused both from base, and ex-  
traordinary Services, by the Constitutions of preceding Princes; but as from the  
one he now quits them, so he leaves them subject unto the other by this Law.  
And in the last place he mentions *Rhetoricians* and *Grammarians*, both in the  
*Greek* and *Latine* Tongues. Having told what Persons he will have excused, he  
then declares the Particulars from what he excuses them, and enumerates  
some fourteen which he calls by the name of fordid Services. These were Im-  
ployments about Meal, Baking of Bread, and others relating to the publick  
Bake-house: The finding of Carriage Beasts, and of labouring at the conveyance of  
Materials, or other publick works; burning of Lime; furnishing of Timber for  
Ships, Wood for Spears and Arrows, and Boards or Planks, all for the Service  
of the Army; finding of Coals for the Mints or publick Forges, or other ex-  
traordinary works; labouring at the raising or repairing of publick Buildings;  
the charge of Hospitals; the care of High-ways and Bridges; setting out *Thrones*  
or Men to the War, or else paying the usual sum of money in room thereof;  
and lastly, contributing to the expence of Messengers sent to the Court, and  
those that Collected and Conveyed the Tributes to the Treasury. From all  
these he excuseth the Persons before named, with these Restrictions, that when  
there is need of supplying the Army, lying upon the Limit of *Rhetia*, Excuse  
shall not be admitted from lading of Horses and Carriages; for it was exposed  
to the Incursions of the *Allemanni*; and for that reason had its peculiar *Dux*  
to look to the security of it, who at this very time had Employment enough, though  
assisted by whole Legions, the work of which it was to be Convoys to such Pro-  
visions as were sent to these distant and dangerous places. Then he declares that  
the Immunity hereby granted shall be understood to be Perpetual, so as only to  
continue for life, and not extend to their Wives or Heirs. And he excepts from  
this Immunity such as were obnoxious to finding Coals, provided it were for  
the Mints and making of Arms.

86. We shall further observe in reference to these three Laws, that they are di-  
rected to two several *Prefecti Prætorio*, viz. *Hypatius* and *Syagrius*. *Syagrius*  
seems to have been *Prefectus* of Italy; for, the Edict which to him is directed, is  
said to have been read at *Capua*. Now, what was said concerning the Plurality  
of Emperors before *Constantine*, may here be applied to this time; That it caused more  
*Prefecti Prætorio* in number to be made; to which this may be added that *Gratian*  
also having governed in the District of *Valentinian* his Brother, by reason of  
his Non-age, seems even still to have had a share in the publick Administration of  
Italy; the *Prefectus* whereof at this time is observed to have been cut and di-  
vided into several parts, though formerly one and the same intirely. Therefore  
*Syagrius* is thought to have commanded only in that part of Italy lying to the  
Right Hand of *Rome*, as *Campania*, (of which *Capua* was the Metropolis) *Apu-  
lia*, *Calabria*, *Lucania* and *Bruttia*. As for *Hypatius*, to whom the first and the last  
Constitutions about these Services are directed; the former being said to have been  
published at *Carthage*, he seems to have had *Africk* for his share. And this must  
be that *Hypatius* of whom *Ammianus Marcellinus* makes mention, Commanding  
him for the sweetness of his Disposition, and affirming him to have brought both  
Glory to his Ancestors, and Dignity to his Posterity, by the Aids of his Twofold  
*Prefectus*. Whereas he speaks of two *Prefecti*, the one of the City he executed  
two years ago, viz. in the year CCCLXXIX. and the last of the *Pretorium* in  
that whereof we now write; of which *Ammianus* speaking as but lately past, and  
calling him *Noster Hypatius*, as a familiar and intimate Friend; it is rationally  
concluded that he wrote his History about this very time. To this same *Hypa-  
tius*, this Emperor *Valentinian* directed another Edict five days after the Date  
of the last; in behalf of those that belonged to the four *Scrinia*, or Offices in  
the Palace so often spoken of. "Therby he signifies that he had caused a Levy  
of Horses to be made for the War, at the Expence of the *Honorati*; but from  
that Burthen he discharges them, both for the present, and the time to come.  
The occasion of this Levy of Horses was for the *Illyrican* Expedition, or else for the  
defense of *Valentinian* his own Territories from the Inroad of the *Marcomanni*, *Quadi*,  
and *Jutungi*; which in those days molested the Borders of *Rhetia*, and of *Illyricum*.  
The Law it self is so full of barbarous words and expressions, that it seems composed  
by some *Gall*, or one of Barbarous Original.

A.D.  
i 83.L. 3. de Præ-  
torio comitis  
etc. Cod. Th.  
Dat. 16. Kal.  
Jan. Patricii.  
Auss à Cod.  
Th.

Sect. 3.

*Gratian*  
makes a Law  
concerning  
precedence of  
great Officers.

87. This'something strange, that having so many Laws made by *Theodosius* and *Valentinian* this year, we should hear so little of the Emperor *Gratian* in this kind; for not one can we find which probably may call him Author, except it be a famous Constitution concerning Precedence, which by *Valentinian* the third, some years after is said to have been of his making. Herein in the first place he suppoeth and taketh for granted, that all others Dignities must give place to that of the Consulship, as to as those possided of it, should sit first in the Senate-House, and first give their Votes or speak their Opinions, even before the *Præfekt* of the City, who by *Gratian* some years ago was declared to have place before other Dignities of *Rome*, nay, before such as had obtained the Dignity of *Patritian*, much more the *Præfekt* *Pretorio* and *Magistri Militum*; for these four, *viz.* the Consulship, *Patritiate*, *Præfektship* (whether of the *Pretorium* or *City*) and the Office of *Magistri Militum*, constitute the first Degree of Illustrious Dignities. Yet was the *Patritiate*, which was Instituted by *Constantine* the Great, rather an Addition of Honour to another Person, than any peculiar Dignity, it being added usually to other Titles, as, *Præfektus Pretorio* and *Patritian*, *Patritian* and *Magistri Officiorum*; *Patritian* and *Magistri Militum*, like as *Consul* was the (only) Addition to the Imperial Dignity. To this the Law made afterward by *Zeno*, might much give occasion, by which he Decreed that the Honour of the *Patritian* (whereby Persons had the privilege to be styled *Parents of the Prince*) should be given to none, but such as had been Consuls, *Præfekt*, *Magistri Militum* or *Officiorum*. But *Gratian* as to the point of Precedence further determines, That if any Person should have been both *Consul* and *Præfekt*, or *Magistri Militum*, in such Case this twofold Dignity should give him place above the rest, that have only enjoyed a single; one, though it were of the Consulship it self; for, the greater Cumulation of several Dignities carries the preheminance, although a Reception of the same Honour (as being twice Consul) cannot; which yet *Valentinian* the third thought as reasonable as the other. But if one that had been *Consul* had left his place to another who obtained two other Dignities, in Case he obtained a second Dignity he should recover his wonted Station, and that out of the great Respect given to the Consulship, even in these Days.

*Theodosius advances his Son Arcadius to the Imperial Dignity.*

88. In the CCCLXXXIII year of our Lord, and the eleventh Indiction, being the eighth of *Valentinian* the Second, *Fl. Merobaudes* the second time, and *Fl. Saturninus* were advanced to the Dignity of Consuls. For this year *Florus* and *Pothimianus* were Praefecti Pratorio under Theodosius; and under *Valentinian*, *Fl. Merobaudes* and *Elevianus* and *Hypatius*. Proculus was Comes of the East, and another Hypatius was Praefectus Aegyptiae of Aegyp<sup>t</sup>. Theodosius made his Abode all this year at Constantinople, and Valentinian continued at Milan, till about May, and then removed to Padua, or Verona. As for Gratian we find little of him, till the declining of the year, at what time we shall hear of him upon too good an occasion. In the mean while, to take things in the most orderly manner, and as they lye in time; before us, Theodosius thought it best to begin the year with the settlement of his own Family, to which he could no better way Contribute than by giving the Title of Augustus to Arcadius his Eldest Son, a Boy, now in the sixth year of his Age, which was performed on the sixteenth day of January. Having made him Emperour, he took great Care that he might have Education, and be instructed as became so high a place; and for that purpose, he had written to Gratian his Colleague, that he would fend him some Pious and Learned Man, that might be fit for such an Undertaking. Gratian hereupon sent to Damasus the Bishop of Rome, to recommend a Man, who pitcht upon Arsenius, a Deacon of the Roman Church, a Person Eminent for Piety and Learning. When he was come to Constantinople he Committed his Sons to his Charge, and put them fully into his Hands, both for Knowledge and Morals, with these words; Hence are you their Father more than my self. On a time coming into the School, he found Arsenius the Master standing, and Arcadius the Scholar sitting as he was taught; at which sight he was angry, and expostulated with Arsenius for not preserving the Authority of his Office, to which, when he replied, that it did not become him to sit while he taught an Emperour, out of Indignation he took the Diadem from the Head of the Boy, made Arsenius sit down in the Chair, and Arcadius to stand, as became a Scholar, adding, that His Children would no otherwise be worthy of the Empire, than if to Knowledge they added Goodness. Yet did Arcadius so far forget that Gratitude which all wife and good Men have ever acknowledged due from those that receive their Education and a better Birth, to their second sort of Parents,

A.D.  
382.

*Fl. Merobaudes &c.*

*Fl. Sulpicius Severus lib. 7. c. 12.*

*Sid. Chan.*

*Nistor. ad hunc Annum &c.*

*Excell. Antiqu.*

*that*

A. D.  
3 8 2.

L. unicus de Con-  
sulibus, Præ-  
fectis &c. Cod.  
Th. lib. 6. tit. 6.  
Abstr. à Cod.  
Just.

Chap.II.

**Sect.3.**

Makes an Order about the Farming of his Lands.

• **The Epibole.**

He prohibits  
any money to  
be exacted by  
the Messengers  
of good News

that being Corrected for his Faults, he would herein, also have made himself the Successor of *Nere*, by plotting against his Masters Life, from which Danger he escaped, departing secretly from the Court into *Aegypt*, where he afterwards lived and became famous for Sanctity. How base and ungrateful soever the De-meanour of *Arcadius* was while a Child, his Confin-German and School-fellow *Nevridius* made better use of his time, being admired by *St. Jerome*, for that being brought up in the Palace, as the School-fellow of the Young Emperours, (whose Table the whole World furnished, and both Sea and Land did serve in the affluence of all things) and that in the first flour of his Age, he was of so modest Disposition as even exceeded that of *Virgins*; and though the Companion and Kin-fman of the Prince, and Educated in the same way (which things are wont to breed suitable Dispositions) yet could he not be discovered to be puffed up with the least Pride, or Contempt of other Persons.

89. *How Theodofius* by this Promotion of his Son might please his Subjects of the Eastern Province, we know not; but the second day after, he Enacted a certain Law which doubtless would displease one sort of Men. The old Custom was, that the Lands belonging to the Emperor or Common-wealth were in the Hands of the *Decuriones* or *Municipes*, *viz.* held and farmed by Bodies Politick, or Corporations, and so were those belonging to the Temples, who paid their constant Rents, either to the Use of the Publick, or some of the *Pagan* Religion then obtaining. But after the dissolution of that false Worship, and that the Lands came to be laid to the Patrimony of the Prince, Both kinds had been taken out of their Hands, and put into those of private Men, probably to raise the greater Revenue; but it had not been done with great Care, but that the best or fertile were taken to Farm by those who undertood their Trade, and the worst or unfruitful still remained on the Hands of the Emperor, and thus separated brought small or no Advantage to him. Now though we must needs say, that generally Emperours did not incline their Ears to New Chapmen, or such as would offer more, and turn out old Tenants; yet either for that the publick Occasions required it, or the less Fertile Lands lay generally neglected, whereas formerly they were wont to be left together with the better sort, *Theodofius* ordained, That in the like manner they should be added by way of *Epibole* (as it was called) or *Adjection* to the better; and if such as now held the most Fertile, would not take them with the Increase of a third part of the Rent, then New Tenants were to be admitted. If none of these could be found, he will have the Lands revert to the Ancient Possessors, *viz.* the *Decuriones* or Bodies Politick, and that without any Augmentation or Addition of a third Part required of the other, provided, they gave sufficient Bond or Caution for payment of the Rent. But thus were the Emperours often constrained to make this *Epibole* when barren Grounds were left upon their Hands. As for such as hold them by perpetual Right, he forbids that they be turned out of Possession, having by their Industry in Tillage brought them into a better Condition, notwithstanding any Decree obtained surreptitiously from himself to that purpose; and contrary to what the Ancient Laws provided in that behalf; yet so as once it might be lawful to impose the *Epibole* or Adjection.

90. But whatever private Persons might think of this, or other Matters, now was the publick Joy by Mefengers to be excited according to the Custome, for the Creation of a New Emperour, and Images of him were to be dispersed amongst the Provincials, who upon such occasions, out of Novelty were greedy to Contemplate the Countenances of their Governours. To prevent the Rapine which at these times was wont to be exercised by those that were employed upon such Errands; he published an Edict as his Predecessors had done. Prohibiting any thing by or Reward to be Exacted of the People, for any Joyfull News, either upon this occasion of New Promotion, ending a War, or that of a Victory; when the Emperours themselves received Conular Ornaments, or of a Peace. The Edict bears Date of the second day of *February*, a Fortnight after his Promotion, when all over the Provinces the People were running and gazing after those Pictures which were carried aloft, to be seen by Men richly Clad, and Adorned with Gold, before whom went a Trumpetter and gave notice to the Multitude, which if pleased at the Sight, might bestow freely upon the *Gerulus*, or Bearer, what they thought fit, but nothing was to be Exacted or forced from them; if it were, by a Sacrilegious diffimulation, as the Emperour terms it, both the Receiver and Compulsor should incur Infamy and loss of Estate, and the Office of *Florus the Prefect*, to whom the Law is directed, a Fine of thirty pounds of Gold. The Emperours

*A.D.*  
3 8 3.

L. 4. de locati-  
one Fundi Jur.  
Emphyteutici.  
C. c. Cod. Tb.  
lib. 10. tit. 3.  
& L. 6. Cod.  
Just. de omni  
agro deserto.  
Dat. ad Nebri-  
dium Com. R.  
P. i 5. Kal. Feb.  
Const.

L. 2. de Locatio  
ne Prædiorum  
Civilium Cod.  
Just. lib. 11.  
tit. 70. Dat.  
ad eund. Ne-  
bridium.

L. 4. Nequid  
publice letitia  
Nuntii &c.  
Cod. Th. lib. 3.  
tit. 11. Dat.  
4. Non Febr.  
Constant. &  
L. unic. Cod.  
Just. hoc tit.



Sect. 3.

then Receiving Consular Ornaments is here expressed by *Honor* of the Royal *Trabea* given to the *Fastior* Register of the *Consul*. The *Trabea* was the Robe proper to *Consuls*; and by giving the Honour of it to the *Fasti* is meant Inserting the Emperours Name into the Register, or publishing him to be *Consul* for the following Year, to which he gave, together with his Collegue, the Characteristical Note. But in this Law *Theodosius* makes no mention of the Consular Subjects or private Men. For the Custom of declaring them *Consuls*, though formerly observed Solemnly, was now either grown out of Use, or at least nothing was now exacted for the *Mediæ*, which though known sufficiently, as to them, might yet be doubted as to what concerned the Emperours.

Further grants  
Corporations.

91. *Theodosius* further proceeded at this time to gratify the Corporations by recalling several back to their Services whom some Laws had exiled, and obliging their Children, though set at liberty by former Princes. Yet would not he permit the *Decuriones* to hire or receive to Farm any Customes whatsoever, because exiled from such Severities as were exercised against other sorts of Persons offending in such Offices; but here he excepts the *Diocesi* of *Aegypt*, partly because of the great Trade driven there at *Alexandria*, for which other sorts of people could not furnish a sufficient Number.

In other places he will not have them receive in Farm the least sort of Custom with which the Senators of *Rome* were also Prohibited in former times to meddle in any such way. He would have them intent upon the business of their Corporations, from which he ordains that they receive no Immunity by Warfare; no not by Virtue of the Prince his Rescript; for, the Emperours usually forbade their own Decrees to take place when against the publick Good. As to Warfare, whereas both he and his Predecessors were wont to play an after-Game by an ingrateful forcing back such as had already served in the Wars, he resolved to prevent the Lifting and Entertainment of such Persons into Service, and for that purpose strictly required, that when any one offered himself to be Litled, full Inquiry should be made into his Birth and the whole State and Condition of his Life, so as he was to prove himself free, both from Servitude, the Relations to Corporations, and other Conditions, which might render him unfit for Military Employment. The like Inquiries also were made into those who were admitted into the *Palatine Militia*, or the Emperours Court-Impliments: as for such of them as had already continued therein for the space of ten years he yields, that they be discharged from any Obligations to the Courts of these Towns and Cities Corporate; in the stating of which time he differs from other Princes; for, some required more, and some less for the discharging of these Curial Ties, which gave Princes so much trouble. But *Theodosius* was so kind to his People, that as he would not prefer, the Sons of such as had Relation to Corporations before the Interest of them; but though the Fathers were exiled (as Professors and others) yet they should be bound to discharge the several Duties to them belonging; and yet he would prefer the Interests of Sons before that of his own Exchequer. For, whereas *Valentinian* eighteen years ago, had made a Law, in favour of the Children of such Criminals as were Condemned and put to Death, he was now pleased to extend the same Mercy to their *Posthumous* Issue, or those that were begot, but not already Born; the Crime of High-Treason ever excepted, which excludes all the Children of Traitors from the Benefit of their Estates, that they may not have wherewith to Arm themselves against their Prince or Country. But that the Exchequer might not be defrauded, and to prevent supposititious Children, he Commands the Old Edict of the *Pretor*, in a manner, to be observed. He will have the Wife of the Condemned Person, after his Death, to send and certify the Governour of the Province, of her being with Child; and her self to go to the Municipal Magistrate, and Deposit in his Hands the Certificates or Testimonies concerning her Condition; and last of all, that she be kept and looked to, that all opportunity of Cheating may be prevented.

Yet he inflicts  
the old  
Edict of the  
Pretor.He prevents  
Abuses in the  
Exaction of  
Tributes.

92. To prevent another sort of Cheating, but of the Subject, he published about the same time several other Laws. Whereas the poor Provincials were compelled to take great Journeys to pay their Tributes, and get rid of their Money; and that by reason that there was for a whole Diocesi but one Receiver, who was wont to reside in the Metropolis or Chief City; For the time to come he Commands this great Abuse to be rectified, by making, as need should be, more Receivers or Collectors in the same Diocesi. And that the People may not be constrained to pay the same thing twice, he Orders, that these Receivers

A.D.  
388Vidit legem  
ris de Decur-  
on. cod. Th.  
hoc anno  
datus fuit. l. 2.  
94.Excepti Dioc.  
Aegyptiaci.L. Quid proba-  
re debeat. cod.  
Th. lib. 7. tit. 1.  
94.L. 12. de Pri-  
vilegiis. cum quibus  
in S. Pal. lib.  
cod. Th.L. 10. de Be-  
neficiis. Propriis.  
cod. Th.L. 1. l. 17. 18.  
19. de Spon-  
sibus. Propriis.  
cod. Th.

Sect. 3.

for every sum received give an Acquittance, wherein shall be expressed both what, in what kinds upon what Account, and in what *Lindition* it was done. And yet farther, because, in receiving Tributes in kind, they were wont to make their own Measures, and Constrain those that paid to give more than their due Proportion; he ordains that in every Station, that is, every Place where they were wont to be paid, certain Weights and Measures should be established. So, long ago, to prevent the Frauds of Trademen, it was not only the Duty of *Ædiles* to see that due Measures were allowed, but publick Measures and Weights were kept in the *Capitol*, by which all those of private Men were to be measured, according to a Standard, if any Controverſie arose thereupon; which the Emperours in succeeding times also took Care of, as occasion was; and *Pretectatus* the *Præfēt* of *Rome*, caused it to be practised in all the Regions of the City, as we have seen from *Ammianus*. But this Law is directed to *Posthumianus* the *Præfēt* of *Prætorio*, and that concerning Acquittances to *Flavianus* the *Proconſul* of *Aſia*. This is he who, contrary to *Theodosius* his Law lately mentioned, caused some *Decuriones* to be beaten or examined with Torture, for which Offence, while the Emperour Consulted how to punish him, he took Boat and conveyed himself away; and therefore, he turned him out of Office. But, for such as were behind in their Payments of Tributes; that no Violence or Rigour might be used; if the Debtor was a great Man, he ordered that the Exactor, or he that was sent to require the Arrears, should be one of the Officials of the Judge of the Province; if a *Decurio* then a *Decurio*; but if a mean Person, then one of their Proctors called *Defensores Civitatis* should with all Justice or fidelity Compel him to the payment of his Due.

93. So much full was the Emperour inclined to yield to any thing wherein the publick benefit was concerned, that in another Case he declared that no Prescription of Time, no, nor his own Rescripts ought to obstruct it. But Complaint had been made by *Proculus* now Comes of the *East*, that in *Antioch* the Metropolis and Eye of these Parts, the Forum or publick places were obstructed, to the great deformation of the City; with which this *Proculus* was the more concerned, for that at his own Charge, he beautified the place with spacious and convenient Streets, *Porticus*, Baths and *Forums*. For this he is commended by *Libanius* the Sophist, who had reason to do it from his own Experience, having been once in danger of his Life as he passed from the Senate-House, by reason of the former straits of the ways. But to encourage *Proculus* in so laudable an Undertaking, *Theodosius* declares in an Edict directed to him, what we said concerning Prescription of time, and his own Rescripts, and Commands, that in all Cities such Buildings be pulled down as were erected on publick Ground. And herein he did better in gratifying him, than in other matters which he also desired. For, if credit may be given to *Libanius*; though *Proculus* was to be commended for publick works he made at *Antioch*, yet was he Tyrannical in his Government, and left it in disgrace, as the Sophist relates in his Oration to *Icarinus* his Successor. Therefore to his suggestions is ascribed the Rigorous forcing back to the Court of *Antioch*, or other places, such as had aspired to Senatorial Dignity, which this Emperour by an Edict to him directed doch enjoy. But this is nothing so sharp as what he ordered concerning the Principals of the Officials belonging, to him or other Governours of Provinces. "For he not only Commands that they be returned back to their former Employments; but also be Chastised with Plummetts: a punishment Cruel and Servile, but such as through the Cruelty of Judges was in this Age grown too Common, and gratified the Tyrannical and pitiful Humour of *Proculus* towards those, who were the Officers belonging to his place, and, during his Government, subject to his Command.

Valentinian  
Concerns  
himself for his  
Revenue.

94. But let us leave *Theodosius*, and see what we find of *Valentinian* in the West, before we come to tell the sad Story of his Brother. We find him in the first place concerned for his Revenue, that no Senator might escape the Payment called *Glebalis Collatio* due from his Lands, whether he was borne to that Dignity, or had been preferred to it only through the Bounty of the Prince. "To this end he requires, that every one of that Order, give into the Senate a true and full Particular of his Lands, upon pain of forfeiting whatsoever he Concealed, which was the usual course taken with Concealed Goods in point of Customs. And whoever attains to the Dignity of *Consularis*, either as Governour of a Province, or by Codicills, before he enjoy or execute his Place, he will have him under his hand to own the Payment due from Senators; to declare where his Habitation is, that there the Payment may be

A.D.  
388L. 12. de Ex-  
actionibus. cod.  
Th. lib. 1. tit. 1.  
7. Dat. ed.  
Constantianus  
Vicarius Pen-  
itentie. Anst. à  
cod. Joh.L. 22. de de  
operibus publi-  
cis. cod. Th.  
Dat. 3. Id.  
Jun. Anst.  
Proculi. Kg. N.  
cod. Joh. tit.  
11.L. 50. de De-  
curionibus. cod.  
Th. Anst. à  
cod. Joh.L. 14. de Co-  
locationibus. cod.  
Th. Anst. à  
cod. Joh.L. 2. de Sen-  
toribus & de  
glebalis collatio-  
ne. cod. Th. lib.  
6. tit. 2. Dat.  
ed. Hyacinth.  
Kg. Jun.  
Anst. b. L. pa-  
riter as reli-  
que leges hinc  
Tituli à cod.  
Joh. propriis  
glebalis colla-  
tionem. Anst.  
y.

Sec. 3. be Exactd; to give also a full Account of his Possessions, and thereof to send in a Schedule to the Office of the *Comes Longitimum*, that thereby may be known what Accession is made to the Emperour's Revenue. These Rules he will have observed by those Senators that had Possessions. As for those that had none, he will yet have them pay the two Follies formerly mentioned, which also, whoever is admitted to the Dignity of *Consularis*, or to any of the higher sorts of Offices is bound to acknowledge, and promise to pay. But from this Obligation he excepts such as had been Senators for having faithfully discharged the *Palatine* Militia, or Offices in the Court. But though he allowed this Privilege to those Persons in a matter wherein his own Profit only is concerned, yet will he not approve of Immunities, obtained by particular Men from the usual Imposition or Tax upon Lands, because what thereby would be granted to a few, would tend as he faith to the Detriment of many. Therefore will he have them all taken off; and to shew an Example himself, he renounces all such as had been granted to his own Possessions; hoping thereby all others concerned would be sufficiently satisfied. And he commands *Probus*, to whom the Edict is directed, that he establish this Order, through all *Italy*, as also through the *Urbicarian* and *African* Regions, and through all *Illyricum*. By several others mentioned as *Præfetti* at this time, we may perceive the *Præfecture* of *Italy*, lately broken, and bestowed into so many Hands, was not yet again united in the Person of this *Probus*, of whose long and reiterated Power in this Nature *Claudian* the Poet might well sing, as he doth to his Relations; so often did he enjoy the Prefecture and so long a time, as we have seen in the Reign of *Valentinian* the Elder. But yet now he was *Præfetti* over no less than four Districts, and we see that *Italy*, the *Urbicarian* Provinces, *Africa*, and *Illyricum* were all really distinct one from another, and not one in another comprehended. By *Illyricum* is all that Tract of Ground to be understood which was divided afterward into Eastern and Western. "In the last place, the Emperour Commands *Probus* to establish this Law, or confirm it, by which is only meant publishing it with an Edict or Order of his own. For in those times the manner was for Magistrates to publish or expose to View, the Constitutions of Princes, in such manner, as first the Constitution should be recited, and then the Edict of the Magistrate follow, like as the Parliaments of *France* declare or publish the Edicts of that King, which they term *Verifying*; not that the Royal Decrees there receive Authority from their Arrests, but that there must be some way of Solemnity to establish the Truth and Certainty of the Thing.

95. At this time there were such frequent Robberies Committed, and such swarming of Thieves in the Countries about *Rome*, that even Persons of Quality durst not Travel; particularly *Symmachus*, an Eminent Man in those Days, chose rather, as he faith, to Maccerate himself in the City, of which he was sufficiently weary, than expose himself to so great Hazard. "This drew from *Valentinian* an Edict against the Harbours and Concealers of Robbers; and because such Soldiers as had fled from their Colours, usually took up that Course of Life, in the former Part thereof he declares how such as give them Shelter, shall be punished. If the Offender was of mean Condition, he Condemns him to be beaten with Rods, to the Mines, or Deportation; if within two Months (*Theodosius* this year allowed six) he did not discover such a Fugitive to the Ordinary Judge of the Province; if of higher Condition, he imposes on him the Penalty of finding ten Soldiers for the War, or else paying fifty pounds of Silver, which was just the same Value. Such punishment were the Masters themselves to undergo; but if their Stewards or Agents herein offended, they were to Answer it with their Lives; but this was to be understood of such Fugitive Soldiers for whom satisfaction had not been made. But in the Discovery this Course was to be observed, That first they were to be presented to the Governours of Provinces where they were taken, who after Examination, was to send them away to the *Præfetti*, by whom they were to be punished, except the *Præfetti* or *Magister Militum*, or others who had Authority over Soldiers in matters Capital, were at hand. But against the Harbours of Thieves or Highway-men he shewed himself still more severe. "For if any one knowingly entertained them, or refused to discover them, he ordains he receive the Corporal punishment, or forfeit his whole Estate at the Discretion of the Judge, if he be Master of the House; if a Servant or Officer, that he be burnt alive.

96. But yet still did the poor Provincials miserably complain of the Inequality of Tax-

He takes off Immunities as to Taxes granted to particular Men.

Frequent Robberies about Rome.

Valentinian endeavours to prevent them.

A. D. 383.

L. n. Si per Obsequium iurata Cod. Th. Lib. xi. tit. 13. De Off. Kgl. Fide. Adh. a Cod. Fide.

Sinceritas tua id ipsum per omnes utilitate tam utam per nobilem Africanum Regem, ut per omnes Illyricum, Præfatos, et ceteris huiusmodi, firmabit.

L. 2. De Ep. 22.

L. 2. De Off. Cod. Th.

L. ult. de his qui latrones Cr. Cod. Th. lib. 9. Tit. 29.

Sec. 3. Taxes, that some escaped Scot-free, through pretended Privilege, while others bore the Burthen that were less able to pay; and the matter grew so high, that though little more than a Month had passed since *Valentinian*, as we have seen made a Law against all such Privileges, yet was he now forced to add a second, more large and efficacious than the former. For in this, directed to the People, having found that the *Tabularii* of Cities, whose Employment it was to keep the Cens Books, and give out Copies to the Collectors, were very faulty in adding or diminishing as they pleased, he Commands they be burnt alive, if moved or overcome by the Fraud, Entreaties or power of any whatsoever, they admitted of any pretended Immunity. But he directs that the Cens be equally laid, by Consent of the Provincials confirmed by the Prince, having first been equally taxed and adjusted by the *Præfetti Prætorio*. And whereas Notice was taken that several Persons newly come from Court, and eminent for their Power and Dignity, often injuriously treated the Provincials, sometime spoiling them of their Goods, and otherwhises of their Liberty, nay, perhaps of their very Lives; and this under pretence that they had Warrant from the Emperours for their Actions, *Valentinian* by a Law sent to *Eusebius* the *Proconsul* of *Africa*, Ordains that No Person shall be credited, be he *Tribune*, *Notary*, or of the Degree of *Comes*, when he alleges the Prince's Orders, except he produce the same in writing: And hereby he lets the People know that they should not be frightened by their big words or Looks. He influences in those who were (as we have seen out of *Amianthus*) Extraordinarily sent upon various Errands from the Court. These were wont to receive their Instructions in a certain form of words fitted to the occasion, and possibly sometimes secret Orders (*secreta Mandata*) and by word of Mouth; but it being easy to pretend such, and great mischief thereon ensuing, he Commands, that no Credit be given to them. And indeed whereas the Parties concerned were Courageous, they would not obey such Orders, and therefore it behoved the Messengers themselves to have a certain Rule of Direction, that it might not be laid to them, that they exceeded the Limits of their Commissions. Therefore when such *Tribunes* and *Notaries* were sent into the Provinces upon publick Business, sometimes they would publicly expose their Commissions, that their Authority might not be questioned. And as no Messengers from the Prince were to be credited, except they produced their Warrants; in like manner to the Messages sent from the Countries to the Emperour, no heed was to be given, except they produced their Instructions in Writing; so that, that called *Libera Legatio*, whereby Power is given to those Employed, to Act as they shall see Cause, and what they think fit, is hereby disowned.

He forbids pretended Messengers from Court to be believed, except they produce their Instructions in Writing.

Africa and Rome threatened with Famine.

Valentinian indulgent also to Corporalians.

97. By a Letter written from *Symmachus* to this *Eusebius*, *Proconsul* of *Africa* this year, and afterward advanced to be *Præfetti* *Prætorio*, it appears, that the City of *Rome* was threatened with Famine, by reason that the *African* Provinces, whence it was wont to have its Supply, afforded not Corn sufficient for the bare Sustainance of their own Inhabitants, and for the year following were to be supplied with Seed from other Places. This Condition of *Africa*, *Eusebius* had before made known to *Symmachus*, who thereupon advises, that Recourse be had to the Princes, and that in the mean time, he would Relieve, as well as he might, those that were committed to his Charge. We find not any Edict made in any sort with reference to this Occasion; but as *Theodosius* this year very much concerned himself with the Interest of Corporations in the *East*, so by a Constitution directed to *Eusebius*, as well as by others to other persons, we perceive *Valentinian* at the same time, no less Zealous for those within his District. "He also Commands, that such as were born to the Services of the *Curie*, shall not be excused under pretence of the Military Employment, except they have continued in the Wars fifteen years, whereby he seems to Repeat what he had Ordained the year preceding, as to this same Diocese of *Africa*, That none should be excused, without he could allege he had served five years; and that, for the time to come, the *Curiales* should be excluded from Military Service. But from the wording of this Law, we learn, that to fifteen years, are counted three *Lustra* so that it need not be doubted, how much time the later *Lustrum* of the *Romans* did contain, viz. just five years. And whereas the Emperour here insists upon fifteen years, *Gothofred* conjectures, it is for that in the Reign of his Father so many years ago and more, from the beginning thereof, these Provincials, as we have seen, were dreadfully harassed by the Barbarians, provoked there-

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L. ult. de Cr. si Cod. Th. Dat. ad Populum Non Mart.

L. de de Mand. Præf. Cod. Th. lib. vii. tit. 3. De Off. Kgl. Fide. Adh. a Cod. Fide.

Symmachus Ep. ult. lib. 4.

L. 95. de De. Curialibus. Cod. Th. Dat. 4. Kgl. Mart. Mod. Abst. a Cod. Fide.

Post Galatrin versitipandis, vicale prius Ordinis litterarum, qui per tribus lustris affligit, et nunc bellis necessitatibus, utque munitibus militariibus obstruere deffugit.

Sect. 3.

to by the miserable negligence of the Officers of the Army, and the Villany of *Romans*, which provoked, or incouraged many of the *Curiales* to go into the Field for defence of their Country; and as this might be a Reason why *Valentinian* would be a little Indulgent to such Persons, so might it be an Inducement to his Father, fifteen years before, to grant, that five years Warfare in *Mauritania* should excuse from the Service of Corporations. But as to this Indulgence granted both to Souldiers and the Palatine Officers, Emperours have differed, and the same Prince ordained several things as to the Term which should excuse them, according as Circumstances of Time and Place have differed. But to be sure, there was much Stir made by some Persons at this time, to escape the Burthens of these Bodies Politick; and some attempted it, by Pleading, that by the Mothers side, they belonged to other Corporations, which being less, and consequently, the Charge of them below that of others, they would needs remove themselves to them. Indeed in the *East*, in the District of *Theodosius*, such Privilege had been granted to the Inhabitants of *Ilium*, *Delfi* and *Pontus*, that if a Man by both Parents was obnoxious to these Courts, he might use the Benefit of his Mothers Relation; and probably some other places in the *West*, and under the Jurisdiction of *Valentinian*, had obtained the like Immunity; but he abrogates all such by another Law, and whatever Custom there might be for it in the Province, founded upon some such ancient Grant: He propounds the Example of the *Senatorian Order at Rome*, wherein the Son followed the Condition of the Father; were the Mother of any other Rank.

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*Vide legem  
100 illius th.  
Dio. 19. Nel  
Mili ad Hippo-  
sim P. F. P.*

*L. 1. 2. 3. D.  
ad Ulpian  
Caus. S. L. 16.  
Nol. Jul. Cod.  
T. 2. C. 1. 3.  
Ced. T. 1. 1. 1.*

Gratian's last  
Edit against  
the Rapacity  
of Governours  
of Provinces.

98. The Course of matters now brings us at length to *Gratian*, of whom it's a wonder we have nothing all this while; that the Countries subject to his Command, should afford no work for his *Quæstor*. But this we are willing to Attribute to his former Care and Vigilance, for the more Laws any Nation wants, the more are Grievs and Necessities; for it cannot be supposed, that if Healthful and free from Distempers, the Prince its Physician, would be ever and anon tampering with it. But notwithstanding, let none out of Ignorance, because he Reads of so many Laws now made by the Roman Emperours, for this one Reason, conclude the Empire to have been of a very sickly Temper; if so, the Disease lies in his own Head, which will be Cured by a Receipt of *Geography*, when he views the vast Tracts and Circumference of the Roman Pale. I suppose the Reader an Inhabitant of what was once some small pittance of the Empire, where he cannot but take notice, how many Edicts or Acts of State pass for the Government of even that small Plot of Ground. But when he surveys all the Provinces of this flourishing Dominion, from Mount *Atlas*, and the Straights of *Gibraltar*, passes as far as the utmost Extent of *Mesopotamia* and *Ophreana*, and from the Banks of *Danubius* Crosses to the Southern Borders of *Egypt* and *Mauritania*, he will not at all wonder that we make mention yearly of so many Laws. But to come to *Gratian*, though he published no Edicts at this time for particular Direction in any point of Government, yet herein he seemed best to provide for his People, and take his Leave, by ordaining something for the Government of those who were subalternately to Govern them in their several Provinces; to prevent their Rapacious Prying upon them. Of their boldness in this point, some Complaint was made to him, not long before his Death, how besides their ordinary Allowances they were wont to exact of the Provincials, Money or Provisions for maintenance of their Houses. Upon hearing and deliberating hereof, he declared in Consultory, that every Judge or every Governour of a Province should himself furnish his *Pretorium* with Conveniences, and that neither to him nor any *Comes* should be more allowed, than by Imperial Authority, was granted in those Allowances they were called *Aunone* and *Cellaria*. By these two, generally are meant all Necessaries for Expence, and the Salaries of the Judges; which were also allowed to all, whom the Emperour sent for to Court, or dispatched elsewhere upon publick Business, both in the Mansions upon the way, and in the Places where they staid. But, as we have formerly said, by *Cellaria* are properly meant, Wine and Corn, or Necessaries for eating and drinking: by *Aunone* all other sorts of things, as Gold, Silver, Clothes, Provisions for Horses, Attendance, Firing and the like. The Houses wherein they lived and administered Justice, were called *Pretoria*, usually placed in Cities that stood upon the High-ways or Streets, and furnished at the publick Charge, by a Set Allowance; But they were wont to live high, and exceed their Bounds, both the ordinary Governours and the Military Officers, or *Comites Rei Militaris* here

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here mentioned. This Abuse now *Gratian* endeavoured to prevent by this Farewell to his People, it being the last Law we find that was made by him, as it is placed in the Code, although it bears no Date of Month or Day.

Maximus re-  
bells against  
him.

99. For in the month of *August* of this year he perished by the treason, some say of *Merobaudes* (or *Mellobaudes*), a *Magister Militum*, to be sure by the ambition of *Maximus* a Commander here in *Britain*. That *Maximus* was a *Briton* born, some will gather from the words of *Socrates* the Ecclesiastical Historian; and so *Christophorus* on our own Country man translates them; but being narrowly looked into they will scarcely be found to ascertain any thing more, than that he rose and fell upon the Roman Empire from the parts of *Britain*. It matters little what Country it was that brought him forth; but *Zosimus*, who seldom agrees with other Writers, faith expressly, that by birth he was a *Spaniard*, and tells another sort of story concerning the occasion of this Rebellion, and the death of *Gratian*. Fetching his Narration from the Motions lately spoken of in *Ulpianum*, he writes, that, during those Stirs, this Emperour was embroiled in no small disadvantages. For, yielding to those who in Courts are wont to corrupt the manners of Princes, he kindly entertained some fugitive *Alans* which were lifted in the Army, conferred on them great gifts, and so highly esteemed them, that in the mean time he seemed to make no reckoning of his own Soldiers. This brought him into no little odium amongst his own men, which daily increasing, at length drove into a seditious humour, amongst others, such as served here in the *British* Isles, who more indulged themselves in contumacy and peevishness than the rest. And they were further incited, he faith, by *Maximus*, a *Spaniard* by Nation, who had been fellow-souldier with *Theodosius* in *Britain*, and took it in disdain that he should be accounted worthy of the Diadem, and himself of no honourable Place or Office. They being easy enough to be wrought on, conferred on him the Title of Emperour, gave him both a Diadem and Purple, which he had so long desired, and without delay thipped themselves and passed even to the mouth of the *Rhine*. The Armies that lay in that quarter were not difficult to be won, and joyn with them; but then *Gratian* came and offered them Battle, while no small number of the Souldiers still continued in their Fidelity. And when the Armies approached nearer, for five days they skirmished one with another, till the *Moors* all of themselves revolted, and gave to *Maximus* the Title of *Augustus*, while the rest also followed by little and little; which *Gratian* perceiving, and that his Affairs here were desperate, with three hundred Horse fled towards the *Alpes*, where when he found no security, he turned off toward *Rhetia*, *Noricum*, *Pannonia* and the upper *Myfia*. *Maximus*, though glad of the advantage, thought he was not to be suffered so to escape; but dispatched after him one *Andragathus*, his *Magister Equitum*, born near the *Euxine* Sea, who seemed to be faith and faithful to him, with such Horse as he thought would best hold out. He following on the Pursuit with all diligence, overtook him as he was going to pass the Bridge at *Sugidamm*, and there killed him; by which Act he more established *Maximus* in his newly acquired Empire.

Zosimus his  
story thereof.

100. Here *Zosimus* acquaints his Country-men, the *Græcians*, that it will not be amiss, but worth the while to tell them a story, which being commonly committed to memory is no whit impertinent to the present Purpose. In the Colleges of the Priests at *Rome* those called *Pontifices* held the chiefest place, which word, if translated into Greek, must be termed *Gephyrai* from Bridges, which name they got upon this occasion. At such time as Mortals were ignorant of that worship which afterward was rendered by Images; those of the Gods were first made in *Thebes*; but whereas (you must know) there were neither yet any Places to put them in (for the Use of such Houses were also unknown) they placed those Representations upon the Bridge of the River *Peneus*, and from the Bridge those who presided at the worship thereof were termed *Gephyrai*. Thence took the *Romans* their Title of *Pontifices*, and bestowed it upon their chief Priests, and withal ordained that their very Kings should be reckoned in their number, for the excellency of their Dignity. The first that obtained this Honour was *Numa*; after him all that went under the Name of Kings, and long after them *Octavianus* himself, and such as succeeded him in the *Roman* Empire. For as soon as any one came to be Emperour, he was presented by the *Pontifices* with the Sacerdotal Robe, and upon receipt thereof saluted with the Title of *Pontifex Maximus*. And all other Princes with a most willing mind received the Honour, and used the Title, and even *Constantine* himself, though (saith the

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The true Account.

101. For all other Writers, as we said, agree that *Lugdunum* in *Gall*, was the place where he was killed, which was accompanied with these circumstances. That the Traitor might render himself more acceptable to the Souldiers, he pretended he was joyed in Affinity with *Theodosius*, and that as it were by his Consent and Allowance he set up for himself; nay he gave out, that he was defended of the Blood of *Constantine* the Great, of which this is some evidence, that he took the Cognomen of *Flavius*, for he called himself *Fl. Clemens Maximus*. But if he was thus defended, probably it was by the Mothers side, for so, if a *Britann* born, he might proceed from the Parents of *Helena*, the Mother of *Constantine*, which some reckon of *British* Blood. When first he rose up in Rebellion, *Gratian* despised him as a mean Man, and of no Interest; and therefore he only set the *Alans* against him, whom he had procured for money to serve in his wars. The old *Roman* Souldiers took this very ill, looking upon it as an Affront, that he should prefer Barbarians before them, in the point of Fidelity and Courage, and in anger revolted to *Maximus*, who promised them all kind things imaginable. Hereat the Emperor affrighted, left *Trier*, where he had continued the month of *April* (as some pretend to find) and retired to *Paris*. The Usurper having notice hereof, and easily repulsed the *Alans*, followed him with all the haste he could make, and for five Days, being incamped near to one another, they skirmished in Parties, till first the *Moors* and then the rest deserted their Prince. Hereat some dismayed, with three hundred Horse he fled Southward, and, being denied admittance in other Cities, came to *Lyon*, and was, not long after, followed by *Maximus* and all his Forces, who first endeavoured by plain force to destroy him; but, when that would not do, betook himself to crafty Devices, wherewith he hoped, and that not in vain, to intrap him. He caused it to be given forth, that his Wife was coming to him, and intended to meet him on the hither side of the River *Rhone* which runs by the City. Then did he place in a Wagon made like a Litter, carried by Mules, not any Lady but a Russian, *Andragathus*, though he made the Report to go that it was the Emperess her self; and the Plot took effect. For the poor Prince overjoyed to hear that his Wife was at hand, went forth to meet the Litter, with a few Persons, whom *Andragathus* perceiving near at Hand, leaped out with his Companions, and slew him in the Place: some say he was betrayed by *Merobaudes* the Consul; but so he perished when he had been *Augustus* full sixteen years, and lived about eight and twenty; on the twenty fifth of *August*.

102. A Prince, on whom Envy and Prejudice themselves can fasten no ill Character. Malice himself, or *Zosimus*, tells us, indeed, that he gave heed to such as are

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Quod autem  
Natus.

Servatus e.  
c. 11. Alii  
vidi Signat.  
non, lib. 8. de  
Quintilian  
Imperio de Eu-  
ropeum ad An.  
383. Chroni.  
Sulphuris in  
Cod. Theod.

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The Church  
given him  
by Pagan  
Writers.

are wont to corrupt Princes, but nothing in particular as to his ill Morals: no doubt but he stood in great need of materials whereof to raise a Calumny. But *Ammianus* to tell us of his being drawn aside by Flatterers, yet not when; only he instances in his imitating *Commodus* in the killing of wild Beasts. A very great matter! an heinous crime for a young man of his years to delight in Hunting, and in so dextrous a way of killing; this is so idle an Objection, that though we prize *Marcellinus* very much; yet when we consider how vastly this Prince his humour differed from that of *Commodus*, nay how nothing he had suitable to that Monsters disposition, except what was harmless, we must needs excuse the wonder that *Baronius* justly conceives of this Authors meaning, that when he praises him, he should also blame him for following *Commodus* his course of life. And we must with him needs esteem him Partial and harsh against Christian Princes, and be of the Opinion, that had he known any thing ill by him, he would not have concealed it; especially *Zosimus*, who believing him to have been the first that refused the Title and Robe of Pontifex Maximus, could he have done it, would have cast all the Dirt upon him imaginable. In that he followed his Sports, and minded not the Affairs of the Empire so much as he should have done, as these Writers allege, he shewed himself young in years and guilty of that Neglect which many Princes of that Age are to Answer for; but which yet those amongst them that are well inclined usually make Amends for, when they come to riper years. But why may we not consider what great Commendations are given, and amongst the rest what Encomiums, by *Ammianus* his Schoolmaster, who had better reason than any other to know his Humour and Natural Inclination. It's true, what he saith is in a Panegyricall Oration, wherein he gives him thanks for the Honour of the Consulship he had put upon him; but yet the Oration being to be made publick he cannot lightly be presumed to have affirmed what he knew would be contradicted and laugh at by all that saw or heard it; the matters thereof being fresh in memory.

By *Ammianus*  
his School-  
master.

103. And the first thing he commends him for, we may easily believe, viz. "That the Palace or Emperors House which was terrible before, (in his Fathers time)" he by his Clemency and Mildness had rendered pleasant and acceptable; the Courts of Justice formerly full of miserable complaints he by his favourable Decrees had made full of Acclamations and good Wishes. And the Bed it self, which was ordinarily he had procured to troubled and despairing Persons. All this as sufficiently attested by what we have already written concerning his giving a stop to those bloody prosecutions that were set on foot in his Fathers Reign. "But he further saith, that he was a valiant and warlike Prince; and for this he produces the Testimony of the limits of the *Danube* and the *Rhine*, they being freed from all Hostility in one year; that he was most Munificent, he alleges the Experience of a Rich Army: for his great Willom he instances in the settlement of the East in so good a posture, meaning the promotion of *Theodosius*; and for his Piety or Dutifulness, the consecrating of his Father with Divine Honours (as he terms it, which was by reckoning him among the *Dei*) the preferring (or rather receiving) his Brother, as he did, to be his Colleague in the Sovereign Power; his vindicating his Uncles Fame when dead in War, by revenging his Death upon the *Goths*; his making *Ammianus* and his Son both *Præfets*, and at last advancing him, his Schoolmaster, to the highest Dignity of Consul, having also formerly procured him the place of *Quæstor*. As the custom of other Emperors was; he affirms that he might well assume the Surname of *Germanicus*, from the subduing of the *Germans*, *Alamanicus*, from the Number of Captives; and *Sarmaticus* also, for his Conquering and Pardoning of that People. Now that he defeated an Army of the *Allemans*, consisting of thirty thousand men at *Argentarium*, a place in *Gall*, Writers affirm, and probably enough, he perfected the Design of reducing the *Sarmatians*, of which his Father was frustrated by Death. But these things were memorable in *Gratian*, as a publick Person. As for his private Inclinations, Demeanour, and Qualities both of Mind and Body, "He affirms him, in the first place, to have passed no one day from his Youth without Prayer to God; without making some Vow, and discharging himself of it with an immaculate Conscience and a Pure Mind; nay, with thoughts true and upright; and to be sure with clean Hands. In Eating, no Priest could shew himself more ceremoniously abstinent; in Drinking, the Table of no old Man whatsoever could be found more frugal and sparing, as to Wine: the Altar of a Vestal Nun

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Anselm ad  
Gratianum  
Imp. dicitur  
hunc gratianum  
esse pro Con-  
sulato.  
Panegyric.  
12.

Quod in quem  
terribile accu-  
pans, amabile  
præstitit, &c.

Historian. Tunc  
primum videtur  
esse in fine  
suis Præf.  
Præf. ut Gal-  
lus. Præf. ut  
Iulianus in An-  
man. p. 382.  
Vide Notas in  
Panegyric. An-  
selm.

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Nun was not more pure than his clofed Bedchamber; the Couch of no Pontifex more unpolluted; nor the Pillow of any *Flamen* more chaff.

104. As to his Converſe with his Friends; he did not come caven, but prevent them in all Offices of kindneſs; and if it fo chanced that any of them firſt threw-ed him Reſpect, he bluſhed as much as a Private Man had reaſon, when prevented in Civility by an Emperor. His Conſolatory he compares to ſome *Sacrum* or Chapel; wherein none had ſate before him, who either more warily conſidered what he was to ſpeak, more prudently dilated on what he had conſidered, or more maturely diſpatched that whereon he had dilated. In the next place he tells him, He could diſcourſe of his Abilities in Rhetoric, but that therein he ſhould ſeem to gratifie himſelf. For in his Publick Speeches, *Sulpicius* himſelf was not more ſharpe; *Gracchus* the elder more commendably modeſt; nor did his Father himſelf carry more Authority with his Gravity: So ſteddily was his voice when he ſpoke more warmly; ſo exact in its Cadence when more remiſſly; and ſo temperately did he manage it in both caſes. Proceeding to declare the virtues of his Oratory in this manner, at length he turns his Speech to *Xenophon the Athenian*, and tells him, "That, if Nature would permit it, he could with he might return to life again; he who in declaring the virtues of *Cyrus* rather accommodated his Pen to his own Wiſhes, than the truth of an Hiſtory; ſetting forth not what indeed he was, but what in reality he ſhould have been. He tells him, that had he lived in theſe Days; in *Gratian* he might have perceived, what in *Cyrus* he did not find, but deſired; and he inſtantly ſays: It's the part of a man moſt perfect not to do things of which he may have cauſe to repent; as for *Gratian* he never did any ſuch things, and always pardoned them that did. It's an excellent thing to thew indulgence to thoſe that are in fear; but he by his Edicts, perpetually to be had in remembrance for their Clemency, had put all men beſides the very occaſion of fearing. It's Magnificent to beſtow Honours; but he had enriched the *Honorati*: It's Laudable for an Emperor to give eaſie Access, and not to pretend buſineſs; but he encouraged ſuch as were flow to make known their Requeſts, and when they had opened their griefs, would aſk them if they had nothing yet more to ſay. That Speech of the Emperor *Titus* is very famous, that: he had loſt that Day wherein he had done no man good; but it became famous becauſe it was the Son of *Veſpaſian* that ſpoke it, whole overmuch Partimony, and ſuch Auſterity as was ſcarcely to be born, made the Lenity of his Son to be admired. Whereas *Gratian* the Son of *Valentinian* (whole Goodneſs was great, his Gentleneſs ever ready upon occaſion, and his ſeverity well tempered) in a well acquired and ſtily ordered State knew well enough that he might uſe the greateſt mildneſs imaginable, without any detriment unto Diſcipline. Neither did he (he tells him) do one ſingle good thing in one Day, but multiplied every moment ſuch favours as would laſt for Ages; and this he makes out by his remitting the Tributes which were remaining due to the Treſury. He demands what Emperor did ever more largely indulge his Provinces in this kind, more certainly provide for their ſecurity, or more prudently conſult for their Defence? *Trajan* indeed, in old time, did ſomething this way; but doing it by halves, that part which he remitted did not ſo much gratifie the concerned Perſons, as the remainder afflicted them which they were to pay. *Antoninus*, in like manner, was kind to the People; but he that ſucceeded him in his Authority, though not in his Goodneſs (*Commodus*) required after his Death what his Father had forgiven, according as he found each one was behind in the Rolls. But *Gratian* had cauſed all the Records of theſe publick Debts to be publickly burnt; thereby to cut off all occaſion of further vexing of his Subjects upon this Account. A joyful Sight it was in the Forum of every City, to ſee theſe Advantageous Fires which were made with the Piles of theſe Papers, wherein were reduced to Aſhes the Originals of ancient Frauds, together with the materials of future Oppreſſions. Now he again triumphingly aſks the queſtion, what could poſſibly be more Indulgent than his Scholar, or in Indulgence more adviſed? who took care that all the Benefits he beſtowed ſhould not be forfeited, and that the grievances he took away, might not come into a poſſibility of relapse.

105. What he ſpeaks here concerning the remitting of Tributes in part by *Trajan*; if we conſider the Panegyricall Oration ſpoken to that Prince by *Pliny* the Younger, upon the ſame occaſion that this of *Antoninus* was uttered, we muſt interpret concerning the *Viginti* or twentieth part of Eſtates, which was firſt

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exacted upon this occaſion. *Auguſtus* when he conſidered what vaſt expence the State muſt needs be at, by Reaſon of ſo many Legions, and Bodies of Horſe as neceſſarily were to be maintained; for defraying the Charge, required the twentieth part to be paid into the Treſury, of all Eſtates and Legacies that were left to Perſons that were not very poor, or nearly related in Blood. But much oppreſſion being hereby occaſioned, *Nero* firſt, as *Pliny* tells *Trajan*, abated ſomething the Rigour of the Exaction; but ſo, as it was rather to point at the Sore, and direct him to the Cure of it, than to heal the Diſtemper; which he effected ſo far as he intended, adding much to the Liberality of him that Adopted him. After him, it ſeems *Antoninus* alſo attempted ſomething in this kind, which proved ineffectual; and the greateſt Act of Grace and total Abolition of the thing was reſerved for *Gratian* his Bounty and Munificence. "And" this his Maſter farther tells him, did not only extend to the Provincials, but the Senate and the Army alſo. *Trajan*, it's true, viſited his ſick Friends, and for that his gentleneſs was to be commended; but he both viſited and healed them, found them Attendants, Viſuals and Phyſick at his own charge, comforting them when ſick, and rejoicing with them when recovered. If any Diſaſter had happened to the Army, he had ſeen him viſit the Tents of the wounded, aſking them how they fared, handing their wounds, and ſeeing them Drefſed, or ſit Applications ſpeedily made to their ſeveral neceſſities. Some he had obſerved, who reſuſed Meat, to receive it at his Recommendation; others to Re-cover upon his Chearing and encouraging them. The Baggage of ſome he would cauſe to be carried by his own Mules; to others he would appoint particular Carriage-Beaſts; ſome ſupply with Servants, relieve the wants and cover the Nakedneſs of others; and this he did indefatigably, bountifully, with the greateſt Piety imaginable, and without the leaſt Offentation. In Concluſion, he provided all things for the Sick, and upbraided none when reſtored to Health.

106. Thus he Illuſtrates his Goodneſs, and the Effects thereof towards all his Subjects; but, as became him, with much more Care and Paſſion he deſcants upon his Kindneſs to himſelf, and the occaſion of his Diſcourſe. "He joyned him in the Conſulſhip, with a famous Perſon (*viz. Anticus Hermogenianus Olybrius*) and ſo joyined him, as to give him the Precedence, by preferring him in the Nomination. And this he did of his own Accord, when he never fought for it, never thought on it, nay, when there were many deſerving Men eligible to be had, and no Merit could be pleaded on his part, except what was in the Opinion of the Emperor. But ſo it was, becauſe what he might aſcribe to his own Natural Parts, he attributed to the Induſtry of him his Maſter; for to this purpoſe in this manner he wrote to him. *I pay what I owe, and ſtill owe what I have paid.* If therefore, any demanded of him how he came to this Honour, his Answer was ready: *None but God, or he that is next to him, can give Account of any Man's felicity.* If ſtill ſuch an one inquired on Merit, he replied, he could pretend none at all; only he could ſay, that *The Emperour himſelf ſaid he ought it to him*; but this word was of a large acceptance, for he might mean thereby, either that this was the reward of the Inſtruction he received from him, or without that, he might find an Obligation merely from his own Liberality towards an agreeable Object, or elſe he had tacitely obliged himſelf to it, or had received ſome Cominand from his Father to be kind to him that brought him up; or elſe by this Magnanimity he reſolved to imitate the goodneſs of God himſelf. On the other ſide, *Auſpinus* thinks himſelf obliged, that he had taught him, becauſe He was the man pitched upon, when many other Perſons excellent for Learning were paſſed by; but ſo it happened, left He, who for this his Employment of Inſtructing him, had paſſed through all other Degrees of Honours by a ſtrange Celerity of his reiterated good Offices ſhould dye, before ſuch time as the Scholar had Completed his Gratitude to the higheſt Degree his Maſter was capable to receive. But for all this it might ſtill be objected, that in former times there had been others that had taught the Emperours; and why ſhould He carry away the Honour of having been in, a manner, ſole Tutor to the Prince. As to this he replies modeſtly that he will not accuſe thoſe that were Colleagues in the time of *Conſtantine* (meaning his Sons) but he would a little reflect upon the manners of former times. *Seneca* indeed was rich; but not *Comuſ* as He was, and ſome thought him rather to have Armed his Pupil for Cruelty, than inſtructed him againſt it. *Quintilian* alſo obtained Conſular Ornaments, by means and procurement of *Elemeus*;

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ris. Vlini.His gratitude  
to his School-  
maſter.

Explained.



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107. In the next place he instanteth in *Titian*, who being also Tutor to "an Emperor, and an excellent Person, yet taught afterward a Municipal School "at *Vesontio* (now *Besançon*) and died in Obscurity; which must have been *Jules Titianus* a Citizen of *Vesontio*, and afterward Schoolmaster at *Lyons*, who "was Preceptor to *Marcianus* the younger; and by his Scholar, when *Cæsar*, and his Father the Emperor, was promoted to the *Consulship*; but both they continuing not long in power, he destitute of Support, betook himself to the School "of the *Municipium* of *Lyons*, wherein the Sons of all the Corporation were Taught. "At length, he saith, he can only allow of *Fronto*, to be compared with him in his Employment and Rewards; which Person being a singular Orator was the Instructor of the two Emperours *Antonini*, *viz. Marcus* the Philosopher, and *Vernus* his Colleague. And yet had not been honoured with the *Prefectship*, before he arrived at that of *Consul*; and for his *Consulship* it was but of those called *Suffecti*, who were substituted in the Room of the Dead to make up the year, as *Fronto* was but for two Months remaining; so that he might very well have left Recorded, in the *Consulship* of whom it was, that he was *Consul*. If any now should upbraid him with his mean Deserts, and demand of him (if he durst Compare himself with so great an Orator as *Fronto* was, he saith, he would only reply in brief, that he did not compare himself with him; but yet would prefer *Gratian* before *Antoninus*, even that *Gratian* who as to Power, was Emperor, as to Valour was a Conquerour, for Sanctity was *Augustus*; for his Religion a Pontifex; a Father as to Indulgence; in Age a Son; and in Piety or Duty Both of them together. For when he was imbroiled in a most difficult War, at such time as he was menaced by many Thousands of Barbarians, wherewith the Tract of the *Danube* was confronted, even then, Armed as he was, and in the Field, he held the *Comitia*, for Creating him *Consul*; and wrote to him that most obliging Letter, which we have already related at that year, and upon every word whereof, the obliged Master now boastingly descants, reflecting the glory back upon the grateful Scholar. He exceedingly glories in that he was pleased to send him as a Mark of his Honour, that *Trabea*, (or *Palmata*) *viz. the Consular Robe* which was worn by the Emperor *Constantine* himself, whom he calls his Parent, as being indeed the Father of his Wife. And he no less admires his Wisdom, in the Answer he gave to such as demanded of him to which of the *Consuls* he designed the first place, or Nomination; He told them there was no reason they should question who it was he intended to prefer, neither could any good generous Persons about him doubt of the matter. They that asked, hereat conceived hope, believing that that eminent Person, his Colleague, who was also at hand, must be the man.

108. Yet desiring to be put out of all pain and doubt, they made a second Demand, who should be the Man? At that he paused a little, and blushed with some disdain, that they should make a Doubt; and then replied, *Why do you ask who of the two designed Consuls should be first named? Who should have the first Nomination but he whom the Prefectship doth Capacitate for it?* He admires his wisdom, that by so sudden and discreet an Answer he should prevent that Envy which his Affection might have raised; and he applauds himself in that glory, whereby he was rendered no less than equal to *Cicero*. For *Cicero* gloried much herein, that the People of *Rome* had made him the First of the *Prætors* and the former of the *Consuls*; thereby hinting, that it was more glorious to be preferred before one, than many; for though it be no Disgrace to be a Second, yet it is great Renown when but two in the World can be thought fit, to be reckoned in the first place. It's reported of *Alexander* the great, that Reading those Verses in *Homer*, wherein, upon a Challenge made by *Hector*,

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109. Now in way of Gratitude and Return for all his Kindnesses, he confessed, that though *Cicero* having arrived at the *Consulship*, denied that there was any other thing which he thirsted after; yet he protested, that though he was both *Consul*, and an old Man, yet he was still greedy after something else. You may well imagine what this was, *viz. often to see him his Pupil*. Cloathed with the Ensigns of that Magistracy, that he alone might equal the sixth *Consulship* of *Valerius Corvus*, the seventh, of *Caius Marius*, nay, the thirteenth of his Namesake *Augustus*, meaning *Octavianus* or him that first obtained that Surname. He tells him, that for his wonderful Charity and Goodness (formerly related) he had rendered himself more dear to all men than their own safety; all his friends he had made obnoxious; and such as for ever would remain ready, devout and faithful to do him Service; being such friends, as his own Inducements had procured him, and not Fortune. And from this more just than well grounded Confidence, he turns his Speech to him that would be more Righteous than those he had obliged; even the Eternal-Maker of the World himself, who Chusest to inhabit, as he saith, in the Minds of those who have Cordially given up themselves to his Service, and therein makes Temples and Altars for his own Worship; acknowledging him to have so firmly planted the Love of him in the Emperours Heart, that Absence had not made him at all more Cool therein but he had remembered him though at a distance, had conferred Honour on him when Absent, and had preferred him before

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before those that were present and in his Sight. Such was the fence that *Aurélius* had of this favour, expressed in very Oratorical and Poetical words; which though not convenient to be here rendered as they are in his Oration; yet we thought fit to give the Reader an Account thereof. Both for that Learned men think it fit, that Youth should be acquainted with his *Panegyrick*; and for that it acquaints us very much with the humour and Disposition of *Gratian*. For although the Phrase be very Poetical, and the Expressions hyperbolical, yet it represents to us in a Table, finely painted out and embellished, what *Aurélius* himself in a rough and coarse draught had done toward the Characterising of this Prince, when he tells us, that *By his towards Inclination he gained much upon the People, being a Youth well disposed, Eloquent in Speech, and Soldier enough for his time.* As for those rough Lines he draws to make him have a Cast of *Commodus* his eye towards something on one side; when upon better View, this Object appears but a Herd of Deer or Wild-Beasts; it rather directs us to a Forest or Land-skip, than any ill Features, glance or squinting of this Person, especially if in a harmless Exercise, he behaved himself so gallantly, and demeaned himself with that Manliness and Dexterity, as the *Panegyrist* tells us. But first, if you will, let us take a View of him as he describes him on Foot, and then see how he performed his Exercises on Horseback.

110. Having after the performing of his Devotions brought him out of his Closet with a mind as well as Body altogether washed and pure, as he walks, he thus points unto him. Whose Coming forth did ever portend better things? Whose Gate was more modest? Whose behaviour more weighed? Whose familiar Conversation more Decent? Or whose Military Behaviour more to purpose, or, as our Neighbours would say, more a *droit*? In exercising his Body, who ever ran more swiftly? Who Wrestled, or did any other sort of Activity more cleverly (as now we speak?) who ever Leaped higher or more nimbly? No man ever could throw any thing to a greater distance, no man cast his Darts more thick, or more certainly hit the Mark. We wonder, faith he, at the Poet (meaning *Virgil*) for terming the *Numidians*, *Isfrenos*, or those that need not to use any Bridle on their Horses, which were wont to be governed with a Rod alone; and at another Writer who talks of a Stroke of a Switch being a sufficient hint either to go or stay. All this was a Riddle to them that read it, till they beheld him when Mounted, bending his Bow, laying the Reins on the Horse's Neck, when he pleased, merely with a Switch putting him on, and with one stroke of the same, giving a stop to his highest Career. They who pretended to teach him this, could not do it themselves; nay, they were now content to learn of him. Thus we see the Horseman'ship and other Parts of a Cavalier described by him that was his Master in a more Noble Academy of the two, and we could with he had been as happy in his Predications as in his Instructions and Observations; the only thing we lament in his *Panegyrick*, as not having such ground for it's Truth, is, that by his wonderful goodness he had rendered himself more dear to all men, than their own safety; that all his Friends he had made obnoxious, and such as for ever would remain ready, devout, and faithful at his Service. The Event did not prove it, however such was the Desire and Prayer of *Aurélius*, who if he wished to him according to what he believed him to deserve, he was equitable, though not successful in his desires of the prosperity of so excellent a Person, however it seemed not good to the All-wise Creator of the World (to whom he addressed himself) to give him his Portion and Reward in this Life. As herein he is to be commended, so executed, in his Poetical Flourishes, and possibly more Luxuriant Expressions than the nicety of simple and plain Truth would bear. For the Honour and profit he himself reaped from so grateful a Scholar could not give him near so much Satisfaction as the contentment and Joy he received in being delivered from a vexatious tormenting disappointment. When after a Melancholick Reflexion upon his former hopes conceived of doing Service to the Publick, from the Quality and Parts of the Youth; after many years spent, and much Labour lost, he should have been forced to quit the unpleasant Object with no more returnable a Sentiment than that of *Operam & oleum perdidit*.

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## SECT. IV.

From the Murder of Gratian, to the Murder of Valentinian the Second, his Brother, and the last of the Family.  
The Space of eight Years, and about ten Months.

1. **G**ratian being dead, the fury and Rage of *Maximus* the Tyrant died not with him; but extended to several of his Friends in Gall, amongst whom none more eminent than *Merobaudes* and *Ballio*. *Merobaudes* bore the Title of *Consul* this year; but after those illustrious Offices he discharged, and his Consular Purple, was put to death; and the other, (by *Pacatus* in his *Panegyric* Oration to *Theodosius* called *Vallo*) was driven to that Desperation, that for fear of Cruel Torments he killed himself, as *St. Ambrose* writes, who tells *Valentinian* what passed betwixt himself and the Tyrant upon this occasion. For, when he went on an Embassy to him, being upbraided it seems, with the Death of *Gratian's* followers; the Tyrant answered, Whom have I caused to be slain? The Bishop answered, *Ballio*; and how excellent a Person? how great a Soldier? was that any Just Cause for his Banishment that he kept himself faithful to his Prince? To this he replied, I did not command him to be kill'd. But, faith the Bishop, we he ard there was Order given for his Death. And the Usurper acknowledged, that if he had not offered violence to himself, he had ordered him to be conveyed to *Cabillonum*, and there burnt alive. Whereupon, the Bishop ended that Discourse, telling him, that therefore it was believed, he was made away by his Command, complaining, that no Man could expect to be safe, if so great a Commander, so valiant a Soldier, and so deserving a Person could not be spared. And he writes that *Bauto*, who in the seventh year of *Theodosius* his Reign, was *Consul*, and before whom *St. Augustine* then read a Lecture for the place of Professor of Rhetoric at *Milan*, was also in Danger to have been sentenced to dye, as if he had been another *Ballio*. *Pacatus* faith he might have more specious pretence for his Cruelty against them, because both of them had served in the Army under *Gratian*, and that this Prince lov'd them both. Therefore it's justly wondered, that *Prætor* in his *Chronicon*, should say, that *Gratian* was overthrown and slain through the Treachery of *Merobaudes* the *Magister Militum*; though by some, this *Merobaudes* is thought to have been some other Person, and not *Merobaudes* the *Consul* of the present year. Now if you will know how farther the Usurper behaved himself after his Success against his lawful Sovereign, and those of his Friends that could do him most prejudice, and disturb him in his unjust got Possessions, you may hear *Pacatus* how he bemoans to *Theodosius* his Country of Gall after this manner.

2. And whence shall I begin to make a Relation of those Mischiefs, which this Tyrant *Maximus* brought upon the Western Provinces, but at the Calamities sustained by thee my dear Country, which of all the Countries infected by this Plague, mayst truly Challenge to thy self, the Privilege of Miseries, being constrained, not only with thine Ears, (the Sense of which is more obtuse) but with thine Eyes also to behold his Victory, and the Destruction of *Gratian*. It's true; our next Neighbour the *Italian*, and the *Spaniard* also, had great reason to feel the wound; yet both of them in their grief may receive some Comfort, in that one of them saw nothing of the Tyranny it self, and the other beheld the down-fall of the Tyrant. We first of all sustained the Fury of that Savage-Beast, we first glutted his ravenous Appetite with the Blood of Innocents, and his Coverous, by our publick Desolation. His Cruelty, now secure and at Ease, had it's full scope amongst us; and his Avarice as yet beggarly and more craving. In other places this publick Mischiefs, either began or

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ended.

After Gratian's death, Maximus reigned against his followers.

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crepans  
in sublimitate  
suis, et  
effusus modeste  
est.

Vide Bero. ad  
hanc Aetatem  
12. & Bal-  
dov. Notes in  
Panegyric. Pa-  
catis.

Pacatus his  
Description  
of his Extra-  
vagancies in  
Gall.

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ended, in *Gall* it reposed it self and continued. Who can compare himself to Misery with us; when we bore the burthen of the Tyranny both with others and alone by our selves? Why should I make mention of the Cities emptied of their best Inhabitants, the Deserts even filled with Noble Persons that fled their Countries; the Estates of those Persons set to Sale, who had once enjoyed the greatest Honours; their Persons proscribed, and their very Lives valued at a sum of money? In our days we have seen Dignities reduced, Men of Consular Degree stripped of their Robes; we have beheld old Men who outlived their Fortunes, and Infants securely and innocently playing under the Eye of those Officers who were selling their Patrimonies. Yet thus miserable though we were were we forbidden to demean our selves as miserable Persons; nay, on the contrary, forced to Act the part of happy Men, and only at home and in our own Houses having but permitted our Wives and Children to be Witnesses of our grief, we went abroad with a Vizarded Countenance not at all agreeing with our Fortune. For you might hear some Informer talk after this Rate: *Why looks he so Melancholick? Because, of a Rich Man he is become Poor? May he not be glad he lives? Why bath this other put on Black? I believe he mourns for his Brother, but he has yet a Son.* Therefore we durst not bewail those we lost, for fear of losing those that remained. But we put on Serene Countenances over heavy and Cloudy Minds, in like manner as they that taste of the Juice of some Herbes in *Sardinia*, are reported to dye Laughing. We mourned, and yet made our selves merry. It's some alleviation to Sorrow, when one may weep it out; and the Breast is eased with Sighing. And there can be no greater pain than to be miserable, but one must not seem so. There was no hope of satiating this publick Robber; for, Satirey which is natural in other Cases, was not produced in him by plenty and Abundance; his Hunger of Having daily increased, and what he had already, did but irritate his Appetite after more. As Drink kindles the Thirst of sick Persons; as Fire is not extinguish'd by dry Fuel, but it's Rage increased, so was his greedy and hungry Mind whetted by the devouring of that Wealth which he heaped up by impoverishing all other Men.

3. He himself, in Purple as he was, stood by the weigh-Scales, and with a pale and gazing Face, observed every motion and Inclination of the Balance, not abating one single Grain. The spoils of Provinces, what was left by the Exiled, and the goods of such as were Murdered, were brought in on heaps. Here lay Gold pulld violently from off the Arms and Fingers of Matrons, their Necklaces torne from about the Necks of Orphans, and hard by might be seen Silver, ready for the Ballance all besmeared with the Blood of the Owners. Every where was to be perceived telling of Money, carrying and lugging of Bags into the Treasury, laying heaps upon heaps, and the breaking and cracking of Tables and Vessels to be heard, so that any one who saw the Sight would have imagined the place to have been some Den and Receptacle of a Thief, and not the Habitation of an Emperour: But a Thief uses (or rather abuses) what he has got, and what he takes from others as it were restorers to himself; neither doth he observe and lye in wait to hoard up and bury Wealth, and at the same time to be wicked and wretched; but that he may gratify his Palate and his Belly, and not want supply for his lavish Expences: for he is careless, and profuse with the same easiness, both as to getting and spending. But that Pirate of ours, amassed up together in that *Charlydis* of his Den, whatever he had got from all Quarters, where it should be utterly lost, without doing us or himself any good. *Charlydis* do I call it? This Gulf is reported, though it swallow up whole and intire Vessels, yet to flight and reject Shipwracks, and cast them up upon the Opposite Shoars. But our Goods went in one certain and constant Road, to the Treasury, which common Whirlpit, not at all glurted with what it devoured, Vomited up nothing at all it had once swallowed down. It's the usual and last Excuse that Bad Princes make; that they take on purpose that they may give, and they deprecate the Injury of their Rapines and Oppressions by the greatness of their Bounty. But what think you of one who takes from all on purpose that none may have what he takes? The Covetousness also of private Persons, though ill in it self, yet hath this to say, that there was fear of Poverty, that one must lye up for old Age, and provide for Posterity; but what Cause doth He allege for his Covetousness, who hath at his Command what ever in any place is to be had? I for my part (if a

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Mortal Man may dare to make a Judgment of what is Celestiall (he speaks to an Emperour) do believe that Princes have no greater felicity in this world than to make other persons as happy as they can, to relieve those that are oppressed by Poverty and want; to overcome Fortune, and confer a New Fate upon a Miserable Man. And therefore an Emperour who well considers the greatness of his Condition, should not call his own so much what he has taken away, as that which he hath given. For all things being in his Power, and as the Ocean, comprizing every thing within its own Circuit, what Waters it gives to several Parts of the Earth, from the Earth it receives them; so whatsoever out of Bounty is contributed from the Prince to his Subjects, returns again into the Prince's Coffers. So that a munificent Prince consults both his own Fame and his Advantage; for he both purchaseth Fame by what he doth, and he but lays out Money, which will again revert into his own Purse.

4. But what's to be said to one, to whom every thing good-worthy seemeth foolish, who both, as every wicked Man doth, hateth all praise-Examples, and placing his chiefest felicity in a power of having and hurting, bent his endeavour not only how to get, but how to leave nothing remaining to those from whom he took it? For he did not practise what Princes are wont to do, in digging and improving of Mines, thereby to draw into publick Profit, what Nature had concealed within her own Womb; and find out a Treasure there, where none should be the poorer for its Discovery. He did not reckon that Gold of any value, which was digged out of the Veins of the Earth, or taken from the Gravel of Rivers; but esteemed that most pure and refined which was extorted from those who wept when they parted from it; which was washed with the Tears of Men, not with the water of Rivers; not digged out of the Cavities of the Earth, but torne from the Necks and Throats of such as were Slain. Therefore upon fearful apprehension of the Pen (for proscription) as well as the Sword of the Tyrant, Poverty became a thing vowed, and, so that the Hangman might be avoided, the Officer of Consecrations was willingly submitted to. Then having related what we have said concerning the Death of *Merobander*, and *Ballio*, he adds, that besides this, he can speak of Blood drawn from the Female Sex, and of Cruelty against them whom Wars are wont to spare, however otherwise Cruelly Managed. And he instanceth, in a certain Matron which he put to Death for her Religion; and inveighs against the Cruelty and Bloodthirstiness of some Priests. Hereby probably he means some Woman he thus punished for the Heresy of *Priscillian*, as he did several others, being the first that ever inflicted Death for Religion, which Course (since that time too common amongst Christians) St. *Martin* the Bishop of *Tours* earnestly opposed; but it was urged and prosecuted by *Idacius* and *Libicius* two other Bishops, for which they were removed from Communion by the rest of their Brethren. But of this more largely in its proper place. We see how *Patavus* describes the Demeanour of *Maximus* toward his Country-men the *Galls*, but we must read him with some allowance to his Passion and Panegyricall strain, others (but possibly such as never smarted) allowing *Maximus* tolerable qualities, had he not obtained his Power by Rebellion and the Murder of his Sovereign. But to secure his Dominion however got, rather than believing himself sufficiently and safely settled therein, as *Zosimus* writes, he sent as Ambassador to *Theodosius*, the *Prefect* of his Bedchamber, no Eunuch (which sort of Men he could not endure) but a grave Man, and one of his most Antient Acquaintance. He asked no Pardon for what had been done against *Gratian*; but offered Peace, and to enter into a League and Society against any Enemies of the *Roman* Empire, or, if he was otherwise inclined, he denounced War. *Theodosius* seemed to be willing to admit him Emperour, and that his Status should be erected with his own, resolving with himself to make War upon him, when it should be convenient, and in the mean time to circumvent him with a Show of all manner of observance. Therefore when he sent away *Cynegius* the *Prefect* into *Aegypt*, with Order to prohibit the Worship of the Gods, and shut up the Temples, he also Commanded him to expose at *Alexandria* to publick view the Image of *Maximus*; and in an Oration to the People, to declare him his Confort in the Empire. This *Cynegius* performed, and withal, shut up all Access to the Temples through the *East*, all *Aegypt* and *Alexandria*; and prohibited the Sacrifices which in all Ages had been used, with the Worship belonging to the place. But what things from that time to this have hapned to the *Roman* Empire, shall particularly hereafter be related. Thus writes *Zosimus* the Pagan Writer, and great Back-Friend to *Theodosius* upon this account,

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Allowance is  
to be made to  
his Panegyri-  
cal strain.

*Maximus*  
sends to offer  
a League to  
*Theodosius*.

Who seems  
to be willing  
to admit him  
his Colleague.

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This end there-  
in.

whose Fallacies have been already laid open, and hereafter his Malice and blind Zeal may be more discovered.

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5. The End and Design of *Theodosius* his pleasing the Tyrant, for the time, seems to have been his care for the preservation of *Valentinian*; and his fear, left proceeding in his fury, he should, after having brought *Brittain*, *Gall* and *Spain* under his Yoke, pass also the *Alpes*, and, with as much ease, destroy that young and helpless Prince. And in *Italy* they were all seized with a mighty conformation, expecting nothing but that the Tempest would speedily beat at their Door; and not knowing what course to take, at length *Ambrose* the Bishop of *Milau* was sent upon a desperate Employment, to see if by the repute of his Gravity and Sanctity he could work upon the ambitious humour of the man, and reason him out of his extravagant heat and thirst of Domineering over so many Mortals. And he seems to have wrought so far with him, that he gave some stop to his Career, and for this year we shall hear no further of him. As for *Valentinian*, he could not be but very solicitous, seeing his Neighbours House not only on fire, but burnt to the ground; and for that he seems at this time to have born no good will to some that were near about him, we are afraid he doubted something of their Integrity.

Valentinian  
killed the  
Power of two  
of his great  
Officers.

These were his two *Comites*, *Rei Private*, and *Largitionum*, from whom he took the Power of hearing Fiscal Causes in Appeals about this very time, when made from the under-Officers of the Revenue, called *Rationales*, and ordered them to lie in private Causes, to the Judges of the Provinces, who had this cognisance, viz. to *Proconfuls*, the *Comites* of *Dioceses* and the *Vicars*. If from these also Appeal should be fit to be made, he wills that the Parties concerned have recourse to the Prince himself, who is to be informed of the state of matters; and the true merits of the Causes, by the *Comes Largitionum* and *Rei Private*, as they have relation to each of their Employments. This Law is directed to *Amianthus*, his *Comes Rei Private*; and about this time *Symmachus*, who shortly after was *Præfēt* of the City, in an Epistle to *Theodosius* the Emperor, makes mention of one *Amianthus* and one *Macedonius*, both who had deserved ill of the Commonwealth, and the hearing of whom had been referred to himself. *Amianthus*, died as he was brought by the Protectors towards *Rome*; and as for *Macedonius* he could not tell what was become of him, and he desires the Emperor that the delay may not be laid to his Charge, and that he would send him more particular Instructions for his trial. Now there is one *Macedonius* in the Code of *Theodosius*, to whom a Law is inscribed concerning Appeals, but two years before, by the Title of *Comes S. Largitionum*.

Theodosius in-  
creases his  
judges.

6. *Theodosius*, after the death of *Gratian* continued all the remaining part of the year at *Constantinople*, where he made two or three Laws, of which it will not be amiss to take notice. He took care for maintaining the just Revenue due to his Judges, by declaring, that for Mults imposed merely for Contumacy, should lie no Appeal; for if a Magistrate cannot this way maintain his jurisdiction, his Power must needs be vain and precarious. But he found at this time in most sorts of persons a vast Ambition and desire of precedence, which transported many to far, that by one means or other they procured Letters or Codicils of the greatest Dignities, that they might leap over the Heads of deserving Persons, and such as with commendation had discharged Offices of a middle Nature. This caused great Animosities, and put all things out of due order and decorum; inasmuch that by a publick Constitution he thought himself obliged to take notice of it, and provide for a redress of a matter of ill consequence.

Refrains the  
Ambition of  
those that  
aspired after  
Honours.

He delivers therein his sense of it as a thing, than which nothing could be more injurious, and against preserving Degrees of Dignities; for how could Merit be rewarded where, without any consideration of services performed, men intruded into places of Honour, whereby best deserving persons were deprived of their due, and those of inferior Merit obtained what belonged not unto them. After this Preface he declares what course he will have observed, as to Honorary Codicils, that such as have been preferred by them, or by the meer favour of the Prince, shall come below them that have been advanced for their services, or have obtained Codicils also by the prerogative of their Merits. He prescribes a Rule also to be observed in the bestowing of Codicils; that such as had discharged Offices, should not only be preferred before such as had merely titular; but amongst those that obtained Meer titular Codicils also a respect should be had to them that were of most desert. So far he prefers merit before these Letters, that to those that obtain them he assigns Place and degree inferior to what otherwise the Title of the

L. 43. de Ap-  
pellation. C.  
Cod. Th. vide  
com.L. 10. de  
49.L. 39. de  
11.L. 2. Quam  
Appell. non Re-  
p. Cod. Th.  
Apost. a Cod.  
Just.L. 1. de Dig-  
nitate Ord. Iuratus. Cod.  
Th. lib. 6. tit.  
5. de Dig. a Cod.  
Just.L. 9. de Hon-  
oribus Codicil-  
li Cod. Th.

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the Dignity was wont to obtain. So that in case a *Vicar* of a *Præfēt*, after the Office of *Vicar* discharged, obtained honorary Letters of a *Præfētship*, he should not only not have place amongst the *Præfēts* themselves, but take his place amongst *Proconfulares*, or those of the next Degree or Rank, as it should fall to him; but so as to proceed such as were of this Rank merely by Codicils. In like manner if an ordinary Judge or Governour of a Province (viz. a *Consularis* or *Præfēt*) should procure Letters for the place of a *Præfēt* or *Proconfularis*, such an one should come behind a *Vicar*, one who had really discharged the Office; and if a *Præfēt* procured these Codicils, if a *Consularis* also procured the like, he should be preferred. This was new Law and unknown to former Princes, except what *Valentinian* the Elder did ordain in a special Case. But so extraordinary was the Ambition of this Age, that it required a remedy suitable to the Distemper.

7. Nay farther than this, he ordains that no Person shall obtain Honorary Codicils of any Dignity, but the very next preceeding the place he bears, and thereby absolutely Prohibits all promotions *per saltum*, by virtue of any such unseasonable Letters; as preferments in Military Employments were prohibited to be made. The punishment he inflicts upon such as violate this Law, is double; for he wills both that they be deprived of the Honours obtained contrary to the meaning of it, and moreover be fined in no less a sum than twenty pounds of Gold. This is further from this Law to be observed, that the Rank of Dignities at this time was thus Constituted, viz. *Præfēts*, *Proconfuls*, *Vicars*, *Consulares*, and then *Præfēts*; for *Proconfuls* had the second place. And we may also take notice that by Ordinary Powers it means Governors of Provinces; and these two, namely *Corrēctores* and *Præfēts* were distinguished not only from the *Illustris*, as the *Præfēts* *Pretorios*; but those that had no more than the Title of *Speculabilis*, as the *Proconfuls* and *Vicars*, being also by other Laws distinguished from them that were termed the *Greater Powers*; although when *Amianthus* the Historian writes of Ordinary Judges and Ordinary Powers, he means such Magistrates as they were, contradistinct to the Military. But such was the Ambition of this Age which caused *Theodosius* to be so peremptory and effectual in the cure of the Distemper, a Disease which to far prevailed, that in the Senate House also it infected those that were richer than their Neighbours, inasmuch that they would speak their Opinions first, contrary to the ancient custom which gave priority of Speech according to Offices and Employments, and not according to the greatness of Estates. The old custom *Theodosius* ordered the Senate to recall, and *Symmachus* gave him thanks for so doing, as also for the power he gave them to lessen the charge of Games, which the *Prætors* were wont to be at. And he desires him by his Decree to confirm what the Fathers by his order had resolved on as to these or other matters, and give them force by a penalty inflicted upon Transgressors. By these Reformation he faith, they believed virtue was again returned to its Dominion and Sway that it had in old time. And indeed the way to have Verue return, was to fright away Vice by the severity of Laws; which this Emperor yet further attempted now at the closing of the year. This was by publishing an Edict against Calumniators or false Accusers, requiring that such should be punished as Law required after their conviction, or clearing of the Party accused, without being admitted to any new Accusation upon pretence of having now other matter, or having found out new proofs, which these men often pretended, thereby to evade the Censure they were for their Malice and Falleness to undergo. This Edict is directed to one *Hellebicus* as *Comes* and *Magister* of both sorts of the Militia; or both of Horse and Foot.

Prætextatus  
the Præfēt of  
Italy dies.

8. The year next ensuing or the CCCLXXXIV of our Lord, the twelfth Indiction, and the ninth of *Valentinian* the Second, had for Consuls *Fl. Ricimeres* and *Fl. Clearchus*. *Cynegius* for this and five years following was *Præfētus Præfēt* of the East. *Prætextatus* was *Præfēt* of *Italy*, and so was *Probus*, as appears from other testimonies besides the Laws, who seems to have succeeded upon the death of the other. For much about this time it was that *Symmachus* the *Præfēt* of *Rome*, by an Epistle signified the death of *Vettius Prætextatus* to *Valentinian* the Emperor. "He tells him that though he supposed *Prætextatus* to be swifter, would prevent his Narration, yet he cannot be silent, but compelled thereto by the Necessity of his publick Office, must acquaint him with the departure of this *Illustris* Person, to the great regret of his Country, of which he was a singular Ornament. Whole commendations however

A. D.  
384.L. 10. de  
21.L. 1. de Calum-  
niatoriis.  
Cod. Th. lib. 9.  
tit. 39. de 2.  
Kali. Jan.  
Apost. a Cod.  
Just.A. D.  
384.

L. 10. de 24.

just

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See the Pref. of the City, de Eren. de Ex. pecton. that Statute may be erected to his Memory.

just he should in this conformation of mind pass over, there being no need to enlarge in his praise, seeing the Emperor himself could well attest the glory of his life, and his death was rendered famous by the grief of all men. In another Epistle directed to the other Emperors, *Theodosius* and *Arcadius*, he writes, that though *Vettius Pretextatus* was by the Law of Nature dissolved, yet still he lived in the memory and love of all men, and in this thing punished Envy it self that even Death so much contributed to his glory, that herein also the ought to grieve him his good fortune. For besides the grief of the whole Roman people conceived for the loss of him, the Senate also being impatient upon the same account, desires, faith he, some comfort from that Honour which is due to virtue; and beseeches you that a man to be wondered at in our Age, may by the Disjuncture of Statues be delivered over to the Eyes of posterity; not that he covets any earthly Rewards, who when he was living trampled upon corporal pleasures as contemptible things; but because Imitation is incited by honour given to good men; and emulous virtue receives strength from the pattern of Respect that's given to another Person. Hence came it to pass that even in less polished, or in rustic ages (as he terms them) the best Commonwealths-men were by Hand and Art committed to memory. And I wish that in after-times the facility of some Flatterers had not derogated from this decent custom; although neither are such things to be esteemed equal, which by unsuitable ways are procured.

9. It's very fitting therefore that he who remains in the Breasts of all men, should also stand in the Eyes of most: He who was always greater than the Offices of Magistracy which he bore, was moderate towards other Persons, but severe towards himself, easy without contempt, and of reverend Demeanour without terror. To whom if any profit came by succession, it reverted to the kindred of the Testator. He whom Prosperity could not alter, never rejoiced in the Adultery of other men, and knew not how to be indecently liberal: He whom Honour always found unwilling though it courted him, to whose Justice and Equity every of his Neighbours would willingly trust the measuring and limiting out their adjacent Grounds. He adds that he would say more, and ought more to say, but that all things are to be referred to them to whom he writes; whom he beseeches, that as Patrons of Honesty and Goodness, they would let forth what goodness was in their times to be seen to such as should come after. For this was that *Pretextatus*, whom justly they had made *Consul*, that the Register at left might transmit his famous Name. He prays them that they would by repeating fatal losses, do good to those that were left behind. Though the man departed with a Reward, yet he intreats that their judgement of him might still continue; that they would make it appear, that Accidents can do no prejudice to glory: for what he merited from his Country was altogether singular; but what he had now lost was common to many, or indeed to all. In this manner cloth the *Prefect* bewail the death of his Friend; which though it be a little tedious here to insert, yet the Reader may hereby take notice of this Custom of erecting Statues by order of the Emperors to Deserving Persons, as it was done to this *Pretextatus*; as also that the Senate sometimes requested it, and that by the mouth or Pen of the *Prefect*. But whereas he tells the Emperors that they had made him *Consul*, that the *Faisti* or Registers might transmit his Name to Posterity; it ought to be known that he was only designed *Consul*, and died before he came to receive the Emblems of that Honour. But this is that *Vettius Agorius Pretextatus*, as an old Inscription in a Stone calls him, of whom, being *Prefect* of the City, we have heard formerly from *Ammianus Marcellinus*, who gives him great commendations, and mentions his being made *Proconsul* of *Achaia* by *Julian*; in which Dignity he continued the first years of *Valentinian*, as *Zosimus* writes, who also gives him a great Character.

Vide Prologo. ex græc. Ed. Poud. Et Mariti Notæ in Symm. Ep.

Ambassadors out of Persia declare Peace.

10. *Theodosius* this year made his abode at *Constantinople* till the Month of *June*, about which time Ambassadors came to him out of *Persia*, and desired Peace. Either upon this occasion, and by way of congratulation, or some other, was the usual Gold paid into the Treasury, which they called *Aurum Coronarium*, which left it should fall upon those that were not concerned to pay it, by an Edict directed to *Cygnusius*, and dated on the eighteenth of *January*, he commands "That none shall be compelled to pay it unless Custom could be alleged for it. But though he was careful and indulgent to those Persons that they might retain what Immunity they had enjoyed; yet having set himself at this

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Theodosius bestifies *Constantine*.

The Testimony of *Theodosius* in the Philosopher thereon.

this time to the beautifying of *Constantinople* by several new Works, he ordains in the same Constitution "That no Person whatsoever by his Dignity be privileged from contributing to the Haven, and Aqueduct which now were made king or repairing. Therefore much less could the Judges privilege any Person; but this holds only in such Sodain, Extraordinary and Noble cases as this; for otherwise Senators were free from such Contributions, and so were also the *Veterans* or *Emerite* Souldiers. But at this time *Theodosius* began to make a Port at *Constantinople* (which at this day when *Turks* and others ordinarily speak of that place they call by this very Name) which was called *Portus Theodosianus*; as also an Aqueduct which had the Name of *Valentinianus*; but to this afterward he added another, which bore, as did the Port or Haven, his own Name. Of this his enlarging *Constantinople*, *Theophilus* the Philosopher makes ample mention in an Oration he made this year in Commendation of this Emperor. "For, having extolled him as the most happy and wealthy Prince that had been, for maintaining so great an Army as never had been on foot, since the *Romans* had their power; especially in the Country about *Tigris* (which gives us some hint of the Advantage he had at this time against the *Persians*, and his compelling them to a Peace) he intrenches also in the support of this vast City, and the great multitude contained in it: He adds, that he not only nourished them, but repayed what was detained by the Fraud and Iniquity of former times; for he increased the Provisions and the Gifts formerly bestowed; whereas before they thought themselves well dealt with if nothing was taken from them, of what they formerly had posited: so that there was no need they should cause all Stangers to depart the City (as sometimes it hapned in *Rome* and other places) for want of Necessaries.

11. On the contrary, still greater numbers flocked thither, and lived in abundance of all good things. The Emperors Magnificence in the Buildings he would have his Auditors consider, in that the City from a rude and imperfect thing was become so pleasant and beautiful as could not be expressed; no Corn being now sown within the *Pomerium*, neither any void spaces left, but all being filled with delightful Objects, it represented as it were a Garment interwoven to the very Borders with Gold and Purple; for such a show did the Palace called by the Emperors Name, the Baths, the *Porticus*, and the *Gymnasia* (or places for Exercise) make, and so largely extended it, that what seemed formerly the Edge and Hem, now appeared in the middle. Neither while the publick Works were carried on, were the private Buildings neglected; but the whole City grew and increased like to some Animal, through the contrivance of the Emperor and the assistance of the Magistrate, who so far excited the Inhabitants, that they built their own Houses very stately and capacious, of which they lined the Walls, and paved the Floors with *Laconick*, *Lybian* and *Egyptian* Marble; and convinced *Menelaus* of much folly, who is said to have covered his Walls with Brass and Silver. But in the Suburbs also the Staircases and Magnificence of the City, faith he, is remarkably eminent; the Sea therein now brought within the Land, and an Haven lately made, afford a noble prospect of Ships. The Town abounds with Artificers and curious Workmen of all sorts, and looks like a very shop of Magnificence. And indeed if the Affection and Design of the Emperor proceed in this way, there will be the next year need of a Plot for another City. And it will henceforth remain doubtful whether of the two Cities be greater or more illustrious; that which *Theodosius* adds to *Constantinople*, or that which *Constantine* adjoined to *Byzantium*. Thus much *Theophilus* concerning the great zeal *Theodosius* had for the enlarging and beautifying of this City; a City of which as *Constantine* was the Parent, *Constantinus*, *Julian* and *Valens* were very tender in its Infancy; and now in its fuller Age was it as much indulged by *Theodosius*, his Son *Arcadius* and *Theodosius* his Grandson; so that as we said upon its Nativity, it was founded under a very lucky Planet.

12. But as *Theodosius* had opportunity to shew his Magnificence; so also his Clemency and Fatherly affection to the Provinces at this time. For in the *East*, and particularly in *Syria*, was there great want of Corn for three years together, under so many Counters of the *East*, viz. *Philagrus*, *Proculus* and *Icarus*. The People also complained, that what Tribute was due in Species they were forced to change for Money, at a greater Rate than the things would bear, to their great loss and inconvenience. To redress this grievance and give all the ease he could to the Provincials, he published a Constitution, now divided into three several Laws, in one of which he commands "That the Tributes of Corn and Provisions

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L. 23. de Op. ribus publicis Cod. Th. & L. 7. Cod. Just. de. tit.

Orat. 6. p. 103. &c.

L. 4. Tributa in istis Provinciis Inferi. Cod. Th. Aug. 2. Cod. Just. de.

Theodosius exacts his People in reference to the sale of Provisions for public Service.



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be paid in Specie. And whereas, in case of necessity, when Corn and Provisions were wanting, for the publick Service, or to supply the Poor in time of Famine, the Officers were wont to buy where they saw convenient, and often constrained the People, to part with what they could ill spare, or at unreasonable Rates; by another Branch of this Constitution he commands "That no man be forced to sell his Goods, but that the Sale be voluntary and free. That ready money be paid down for what was so bought, by the care and ordination of the *Præfectus Pretorio*, and that, at the ordinary Market-price; and in the last place, that the Plebeian or lower sort of People shall not be constrained to sell their Provisions, which should only be purchased from the wealthier Possessors of Lands. So would he provide against the common Calamity in behalf of the Poor, so as not to force one poor man to relieve another, but to lay this burthen on the richer sort; though *Anastatius*, one of his Successors, thought this too gentle; and in such cases would have no man excused from this *Coemption* (as it's called) whose Law also *Justinian* preferred, and for this reason would not infer this, nor another made by *Constantine* upon this subject, into his Code. But such was the tender care of *Theodosius*, to prevent oppressions, to which he might be excited the more, by some clamours made at this time. For, little better is a Relation made by *Libanius*, the Sophist, in an Epistle to *Modestus* the *Comes* of the *East*; to whom he complains, that one *Dulcitius* who was owner but of a small parcel of ground about *Beroea*, betwixt *Antioch* and *Hierapolis*, was compelled to sell a great quantity of Wheat by the Officers appointed to look to these matters, who oppressed, and favoured whom they pleased: and against them he craves his Justice and Assistance. Further, because in the payment of Tributes a more peculiar respect was had to that of Gold, that the *Suſceptors*, or Receivers of it, might not imbezle it; nor the miserable Provincials be oppressed by their frauds, he will have it be paid in the presence of the *Defensores* of the Cities, who, as we said, were ordained for the sake of the People, to protect them from injuries, and were to be present for this end, at the publick transactions. And for the ascertaining of the payments, he confirms what he had formerly ordained in another Law concerning the form of Acquittances given by these *Suſceptors*. This Constitution was published at *Berytus*, a City flourishing exceedingly in this Age in the profession of the liberal Arts, and especially the Civil Laws. Here also the *Comes* of the *East* and the *Consularis* of *Phœnicia* (at least sometimes) had their residence. Moreover multitudes of Merchants flocked hither, for the Trade of Purple Cloaths they died, and for other sorts of Traffick; besides, it was frequented by *Gladiators*, and the *Curſus Publicus* was directed to it. Being in this Degree of Eminency, it eclipsed the ancient glory of *Tyre*, the Metropolis of *Phœnicia*, and here usually were the Edicts, relating to it, propoſed to view; yet with respect to that ancient City which had been advanced to the Honour of Metropolis by *Adrian* (who divided the Province of *Phœnicia* from *Syria*) it being a Colony that had *Jus Italicum*, at the intercession of one *Paul*, an Orator and Inhabitant of it. For it was the custom, that if in any Province, there were a City of greater Resort than the Metropolis it self, the Laws were there published, yet so as to preserve the esteem of the Mother City, they were first directed thither. But at last there was no need of this labour, when *Berytus* it self became a Metropolis by the Indulgence of *Theodosius* the Younger.

13. We have formerly observed, though not with those Reflections which the Malice of *Zosimus* suggested, that *Theodosius* was very Indulgent to the *Magistri Militum*. Thereupon, as it seems, rather than from any privilege they had by Law, they presumed to grant Licence for Use of the *Curſus Publicus*, or made Use of it themselves without any lawful Authority. This Boldness of theirs by a Law he checks, and forbids the practice, declaring "That none ought to have the liberty of the *Curſus*, but those to whom it was granted in former times; and therefore they who formerly wanted it, will, for the time to come, more patiently endure the loss of it; and he courts them to it, by telling them, that he takes them to be lovers of the Commonwealth, and in matters respecting the Common Utility, that he expects they will behave themselves according to the Laws and Customs of the Empire. Thus just was *Theodosius* to the Laws and Customs, and yet indulgent enough to his *Magistri Militum*, whom he courts as well as commands, and whereas he expects they should live according, as he expresseth it, to our Custom, thereby he supposeth them Strangers, and such indeed were the *Magistri Militum* at this time, their very names pronouncing them Barbarous; as *Romeri*,

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L. 4. de publicis comparatione. Cod. Th. lib. 11. tit. 15. vide Com.

L. 19. de Annona & Tributi. Cod. Th. lib. 11. tit. 15. vide Com.

De Berytus vide Com. Grotius ad h. l. L. 4. de Berytus. Cod. Th. lib. 11. tit. 15. vide Com.

L. 43. de Curſu publico. Cod. Th. lib. 11. tit. 15. vide Com.

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*Chomeri*, *Arbogastes*, *Stilicho*, *Bauto*, *Hellebicus* and others. But that we may join together what hapned this year about the same Subject; provoked, we must guess, by the great miscarriages of this *Curſus*, which was intended for the publick service; by another Edict he declares "that no private persons shall have the liberty of making Use of it, however the Licence be obtained, except they be such as have exercised the Office of *Præfectus Pretorio*, or been *Magistri Militum*; not by Codicils having arrived to such Degrees, but having really discharged the Employments in their own Persons. But neither should these make bold with the privilege always as they desired; but having once had the benefit of it, and thereby reached their Homes, or Places which they designed to come to, they should thenceforth serve themselves of it no more; except they obtained a Licence from the Emperor himself for so doing. Being ever and anon casting his Eye upon the Carriage of the Magistrates; to prevent the oppressions of the People, he ordained, that a Judge might admit even of a superfluous Appeal, and such as had no warrant from Law, if he saw occasion to transmit the matter to some other Court; and whereas of old time Caution was wont to be given to pay so much money in way of Mulct, or deposit in Court, in case the Appeal were rejected; but Princes had taken this away and provided what Penalties in particular should be imposed upon idle and frivolous Appellants, he now forbids any other Mulcts to be imposed in such cases, but what had been decreed by him or his Predecessors.

13. The Law whereby this is enjoined is directed to *Merobaudes*, a *Frank*, and *Dux* of *Egypt*, who being as well a Stranger as a Souldier, might be less instructed, and more apt to be Excentrical in his Judicature than other Military Judges that were originally Subjects of the Empire. "But one disorder he found in Souldiers at this time, which he would not have punished by any of these their Great Officers, but reported and referred to his own Person, and that was their stragling from the Mansions where they were Quartered, and from their Colours, whether Tribunes or inferior Souldiers. He expressly commands "that no leave be given them, for their wandering through the Countries, to prevent that Rapine and Violence they were wont to commit upon the Provincials; and if any should transgress this so necessary Order, he requires that thereof Report be made to himself, both of the Souldier and his Tribune, by the Governor of the Province, or the *Defensores* of the Cities, who being appointed for defence and ease of the People, he requires many things of them in order thereto about this very time. And for the Cities and places Corporate, he shewed himself further careful, and particularly for those of *Hedessa* in the Province of *Oſtroena*, where there was such scarcity of *Curiales*, that by an Edict directed to *Cynergus*, *Præfectus Pretorio* of the *East*, he confirmed a Law formerly made by *Valens*, whereby, if a *Principal* or *Primipilaris* belonging to the *Præfident* of that Province, had a Son, he should be added to the Court of that City; or if he had two, the one should go to the Court, and the other remain in his Fathers Relation to the *Præfidents* Office. Nay such he will have drawn back to the Service of the Corporation as were born before their Fathers came to be *Primipilares*; for they were indeed accounted such though born before; in like manner as the Sons of Senators were received to the Honour of such, though born before the Dignity of their Fathers. Further, being removed from *Constantinople* to *Heraclæa* in *Thrace*, at the beginning of *June*, (Whence he again returned in *September*) by another Law inscribed in *July* to the same *Cynergus*, he declared "that even such Persons as had served in the Government of Provinces, if belonging to these Courts, should be forced back to such Services thereof as they had not discharged, agreeable with what he had before determined in two other Constitutions; it being his general resolution, that Persons, through Dignity, should be recalled to these Employments. Though this, to some of his Successors sometimes seemed fit, yet several of his Predecessors were of other Opinions. But hence we see that they varied therein as occasion served, and the times would bear, and that the want of these *Curiales* grew greater every day, when such as had been Governours of Provinces must again be forced back to such charges; or in Conclusion, that the Governments of Provinces grew to be less Esteem, which formerly were wont to afford protection to those that had discharged them.

14. However, Luxury and vast Expence for Ostentation, was as great at this time as ever, which drove some Persons in Place to that Excess, that they would give such Gifts and bestow such Largeſſes upon their Friends, or the Players, as the

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L. 42. de Impulsi. Cod. Th. lib. 11. tit. 15. vide Com.

L. 12. de Re Militari. Cod. Th. lib. 11. tit. 15. vide Com.

L. 105. de Decurionibus. Cod. Th. lib. 11. tit. 15. vide Com.

L. 105. de Decurionibus. Cod. Th. lib. 11. tit. 15. vide Com.

The Eminency of *Berytus* in these days.

He restrains the Abuse of the *Curſus Publicus*.

Grants great liberty of Appeal.

Restrains the stragling of Souldiers.

Indulgeth Corporations.

Sect. 4.

Checks Luxu-  
ry and too  
great Ex-  
pence.

the Purfes of Princes were only full enough to bear. This compelled *Theodosius* to publish a Constitution for regulating this Abuse; both that some Difference might be put between the Largesses of Private Persons and the Emperors themselves upon such occasions; and that amongst private men there might be some Distinction of Dignity; and they might also be restrained from this immoderate effusion of their wealth, which often extended as far as the waisting of their Patrimonies, and the spending of their Estates, that they might exceed one another in this sort of Vain-glory. The Senate it self being principally concerned had taken notice of this mischief, as tending to the Destruction of its own Order; and thereupon had framed a *Senatusconsultum*, as well against the immoderate expence in fitting out the usual Games and Pastimes, as other matters, by the recommendation of *Theodosius* himself, as *Symmachus* tells him, who thereupon prayed in the Name of the Fathers a confirmation of that which they had resolved. In answer to his Epistle and to several particulars of it, this Emperor sent his Oration or Edict directed to the Senate, wherein he premitteth "That although a *Senatusconsultum* doth obtain perpetual strength and establishment of it self, yet they (the Emperors) thereto are wont to give a corroboration; that is, to such Decrees of the Senate as respected it self, its own Orders and Regulation; for as for other *Senatusconsultums* made for declaring or enacting some points of Law (as *Tertullianum*, *Velleianum* and the like) there were no such now made, nor had been for many Ages; the Prince having swallowed up all such Legislative Authority. But therefore he ordains, that, "If any particular Persons should by way of petition endeavour to procure a Rescript for excusing himself from what was generally concluded and established, he should forfeit the third part of his Estate, and be rendered infamous, as a person convict of Ambitious Purposes. Now for the Retrenchment of the Charges of such as presented the Games; amongst other Excesses upon Stage-players and other Persons they were wont to be profuse towards them in Cloaths, which sometimes were silken, either all; or in part, woven with other materials. "But whereas the Emperors themselves were wont in their own Largesses to bestow such as were all of Silk, he forbids the Setters forth of the Plays to do it.

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384.L. Va. de Sen-  
tusconsultis;  
cod. Jul. lib.  
1. tit. 16.L. 1. de Ex-  
p. in litem.  
cod. The. lib.  
1. tit. 9.  
de Jul. a. Cod.  
Jul.Particularly  
in the wearing  
of Silks.

15. Of all the Emperors and Romans, *Heliogabalus* was the first that wore any Garment that was all of Silk; when as before that time Cloaths that were mingled of that and Linnen were only in use. But he both wore them, and gave to his drunken Companions those of the later sort; which course his worthy Successor, *Alexander Severus* altogether rejecting with his other Extravagancies, neither wore any of Silk himself, nor gave any that had Silk in them to any Person: nay *Aurelian* never wore any of the former sort, neither made any Present of the later; and when his Wife desired he might have but one Mantle of purple Silk, he told her it was a shame that Yarn and Gold should be of the same value; for then a pound of each was sold at the same rate. Yet for all this, Private Persons were sometimes so arrogant as to wear whole silk; for else *Tacitus* the Emperor had not forbidden the practice, and notwithstanding his Command to the contrary, they would still be bold; yet so as they did not give such Cloaths to Players; but those only in which Silk was mingled, in the time of *Constantius*, which also was much complained of. However, after his time they took up the practice, and so much Silk came to be prized, that none could think themselves Fine or Gay enough without it, though it was not the growth or product of the Roman Empire; but was brought out of *Persia* or those Eastern Countries; for (to give some stop also to this Extravagancy,) *Gratian* not long before the Law we are speaking of, by his Edict directed to *Liberianus*, the *Dux* of *Mesopotamia*, forbade that any Person should procure any Silk from the Barbarians, but only the Comes of Traffick or Commerce. "But now *Theodosius* expressly forbids the carrelling of Players with such Cloaths, and by the same Constitution thinks fit to give a check to the Custom for Magistrates their making excessive Presents to their Friends at the entering of their Offices. For at such times, their Acquaintance and Persons of Quality, were wont to flock to them to grace them with their presence, or to see the Shows, and then they must be presented with something whereby to remember them, nay such as were in great Esteem with them, though absent, were wont to receive this mark of their kindness. These were either Pieces of money (or Medals;) or else Diptycha or Tables to write on, consisting of two Leaves apiece. The Largess made by money was called *Spartia* (from the Baskets in which they were carried) both given upon these Promotions, at Wood-

L. 2. Quere  
quid sit puf-  
fent, &c. cod.  
Jul. lib. 4. tit.  
10.

Sect. 4.

Takes care for  
the Senate of  
Constantinople

Institutes born

And again for  
Corporations

dings also, and upon other occasions: and as well at Entrings into Offices, as at the Marriages of Noble Persons, they were now wont to be made of Gold. "But *Theodosius* prohibits any Setters forth of Games to make them in Gold, except the ordinary *Consuls*, who did it in one piece called an *Aureus*, as *Symmachus* tells his Friend, to whom he sent one in his Consulship. All others were to make them in Silver, and not put so much as they pleased into every piece, but to form them so, as out of one pound of Silver might be made sixty in number, and no heavier; but as many more as they pleased. And as for the *Diptycha*, he will have them, which the Consuls presented only, made of Ivory, whereas they were wont to be made of other Materials. Thus careful was he for restraining of Luxury; but his Law, however strengthened both by a Penalty and Infamy, was broken not long after.

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384.  
L. 2. de Sen-  
tusconsultis;  
cod. Jul. lib.  
1. tit. 16.L. 3. de Sen-  
tusconsultis;  
cod. Jul. lib.  
1. tit. 16.L. 1. de Sen-  
tusconsultis;  
cod. Jul. lib.  
1. tit. 16.

16. As careful he was for filling up and keeping in credit the Senate of *Constantinople*; to which end, whereas Immunity from the *Glebalis Collatio*, or ordinary Tax upon Senators, was wont to be granted to some certain Persons, and had for this purpose been extended to such Roman Senators as lived in *Thrace*; he now communicate it to such as lived in the Diocess of *Macedonia*, and would be made Members of that Body. About this time, or the ninth Day of September, he had a Son born to him by *Flaccilla* his Wife, to whom he gave the Name of *Honorius*. And he still continued his Indulgence to Corporations, by ordaining "That if the Estate of any *Curialis* came freely by way of Legacy, Trust, or free Gift to any Person that was not of that Condition, such Person should be yearly bound to pay a certain sum of Money (as the twelfth part of a *Solidus*) according to the proportion of the Patrimony which he received. And whereas the Governors of the Provinces were now adays wont to punish their Officials for their misdemeanors, by condemning them to the Services of the *Curie*, he forbids this as a thing indecent, and below the Eminency of these Bodies. Indeed if any *Decurio* had forsaken his Station, and shunned himself amongst the Officials, they might find him back to his former Charge; but he requires *Cynegius* the *Præfectus Prætorio* to admonish all Judges subject to his censure, that they should not look upon the Services of Corporations as Punishments, by forcing any to them; and he gives this reason; For that Punishment, really such, and not any Dignity ought to follow an Offender. And indeed it's held for a Rule, that Punishment ought not to make the condition of the punished party to be equal to what it was before, much less ought it to render it better than it was formerly. So careful was he to save that vast Expence, which, in these days, wherein Christianity could not yet put an end to the former *Pagan* Extravagancies, was made by *Prætors* in their Games and shows, which they were bound to set forth to the People, that instead of four this year, he caused eight to be created, and appointed the Charge they were to be at, by another Edict directed to the Senate. One of the *Prætors* was once from *Constantius Chlorus* called *Flavialis*, and was the first in order; but afterward was put out of Place, and he that from his Son was named *Constantinianus* was the first in Rank, and *Flavialis* at length was quite abolished. But to him, who from *Constantine* the Great had the Name of *Constantinianus*, another was added, who from his Son was styled *Constantianus*. There was moreover one called *Triumphalis*, from the old Triumphs during the Commonwealth, and a fifth known by the name of *Romanus*, from the City of *Rome*, which *Constantinople* owned for her Mother. All these five were in the days of *Constantius*. In the Reign of *Valens* were but four; and so many continued till this very year, but not with the same Names. *Constantinianus* and *Constantianus* continued only in being, and in the room of the rest the Senate had introduced lately two others, from the Names of the present Princes termed *Theodosianus* and *Arcadianus*. But now of the old ones *Theodosius* restored two, viz. *Triumphalis* and *Romanus*, and two he added a-new, viz. *Augustalis* and *Laureatus*, and so made them eight, or four pair in all, though under the Government of his Son *Arcadius* they seem reduced to that of seven. Having thus made them Pairs, he will have each Pair to pay so much towards the expence of the Games, as one Person was formerly wont to do. Namely, "That of *Constantine* and *Constantius* a thousand pounds of Silver. That of *Theodosius* and *Arcadius*, a thousand (or rather less, for some fault seems to be in the Text, his words plainly shewing that he meant a Declension in the sums:) then that of *Triumphalis* and *Augustalis* four hundred and fifty; and that of *Romanus* and *Laureatus* two hundred and fifty pounds.

L. 3. de Sen-  
tusconsultis;  
cod. Jul. lib.  
1. tit. 16.L. 1. de Sen-  
tusconsultis;  
cod. Jul. lib.  
1. tit. 16.L. 25. de Præ-  
toribus, &c.  
cod. The. Dec.  
10. Kgl. NovaHe increaseth  
the number of  
Prætors.

Sc&amp;4.

The Consul-  
ship of arc-  
adius and bas-  
tin.

17. The CCCLXXXV year of our Lord had for Consuls *Fl. Arcadius Augustus* and *Fl. Bauto*, being the tenth of *Valentinian* the second, and the thirteenth Indiction. *Theodosius* this Year made his Abode at *Constantinople*, and *Valentinian* continued at *Milan* till nigh the Month of *September*, when he removed to *Aquileia*, and there staid till the beginning of the next, but that he was at *Venona* some little space. For there he resided upon the account of the *Juthungi* as it's thought, who at this time made Incursions into *Rhetia*, and against whom the *Huns* were called in for Assistance. Under him this year *Neoterius* and *Principius* were *Præfetti Pretorio* in the West, and under *Theodosius*, in the East, was *Cynegius*; for this and the following. *Paulinus* was *Præfectus Augustalis*, having succeeded to the place of *Optatus*, and *Messianus* was *Proconsul of Africa*. The first Law we meet with in this, as agreeable to other years, is one of *Theodosius* whereby he prescribes the Duty and Work of a *Defensor* of a City to one *Theodorus*, who bore that Office at this time, and therefore seems to have consulted him about his Employment. He tells him, the time he shall Exercise his Office shall be five years (afterward contracted to two) wherein he expects he shall carry himself as a Parent of the Common People. For he must not suffer either those in Towns or Country to be oppressed by any Surveys; but protect them both from the Insolence of Officials, and the daring boldness of Judges themselves; yet so far as is Consistent with modest Respect to their Persons. He gives him leave to have recourse to the Judge of the Province, when he pleaseth. He chargeth him to prevent the Damage or Spoile of such as he now holds as Children, under his Charge, from all such Officers as shall demand more than publick Dues, and by no means permit more to be exacted than the wonted Tax; forasmuch as there is no other way of Remedy for such mischiefs but what his Place and Function affords. So careful was *Theodosius* to mind this officer of his Duty, who received little gain or no emolument from the discharging of it; but more severe he was against another sort, to whom the Care of publick works was committed, or in whose hands money for that purpose was deposited. For there were those they called *Curators* of publick works, or certain Masters of Architecture (*Mechanicks* they termed them) who undertook the building or Reparation of publick Structures, received from the several Cities, Money for carrying them on, and managed the Accounts of the Expences. Under them were those that took the Work by great, called *Ergolabi*, who were answerable to the *Curators*, as they to the Publick. Now because of the great Frauds and Neglects committed in this kind, *Theodosius* ordained, that all such *Curators*, or those to whom the Charge of Building, or Money was committed, should for fifteen years from the finishing of the work itself, or their Heirs after them, be responsible for any fault committed in the Building. If any such Defect appeared, they must answer it out of their own Patrimonies, except it happened by some Accident, and was the effect of meer Chance, not any Neglect on their part.

Gives a check  
to the frauds  
of Curators  
of publick  
works.And the pri-  
vileges of the  
Curator.

18. We have sufficiently seen how severe *Theodosius* was to all the *Curiales*, that they should discharge their Duties to the Corporations to whom they belonged; now at last we meet with the Reward he appoints them for their so long and troublesome Services. By an Edict inscribed to *Cynegius*, he obviates the Design of some who endeavourd to compel such of them as had passed through all Employments of the *Curia* and discharged all other Duties, to undergo the Charge of the *Agonotheta*, as they called it; (which was a kind of Priesthood amongst the Pagans, or a Task of presiding at, or governing their Exercises) and put them besides the Honours they might justly challenge as *Emeriti* or *Veterans*. In opposition hereto he positively declares, "That such as had discharged" in this manner all other Offices due to their Country, shall not be put upon the *Agonotheta* against their minds: In the next place, that they shall receive the respect that was due to such Persons, and enjoy the Honour and Dignity of *Comites*, which in this Age was conferred on them, as in others, other Honourable Qualifications, and the Dignity he will have to stick by them, although they never stood for it, never desired it, nay, though they refused it, and by all means sought to decline it: for this Splendour he would have accompany the Quality of the Person, and that during Life; whereas sometimes this Honour lasted only for some shorter Term. Thus where a Respect was had to the publick Concern, that other Men might by a Prospect of Reward be encouraged to serve their Countries, were Persons ever constrained to accept of Honour; as here, not only of the Degree of *Comites*, but also of receiving a Kiss from the Governours of Provinces, and

A.D.

385.

Arcadio

A. et. Bau-

tone Cofi.

L. 4. de  
jurisdi. Cui-  
larian. Cod.  
J. 1. l. 1. c.  
tit. 55.L. 24. de Op-  
ribus publicis  
Cod. Th. & L.  
8. Cod. J. 1.  
tit. 1. l. 1. c.  
tit. 1. l. 1. c.  
3. Nov. Etr.L. 10. de De-  
curion. Cod. Th.  
A. et. c. ad.  
J. 1. l. 1. c.  
tit. 1. l. 1. c.  
tit. 1. l. 1. c.

Sc&amp;4.

and fitting with them upon the Bench; for this *Theodosius* ordains in their Favour, as well as the other. But whereas the Governours of Provinces had great Infection upon these Corporations, and right or wrong, were wont to beat the *Curiales*, or Senators thereof with Plummetts; forasmuch as Injury was thereby thought to be offered to the whole Body, the Court it self upon the solicitation of the Party was wont to be concerned, and accuse the Judge, as they thought with greater Load, because with larger Interest and Reputation. But for that this Accusation was made without any Solemnity, and the Parties thus accused, by Decrees of the Courts, often were thereby born down and injured, being taken for no better than Convicted Persons; *Theodosius* thought fit that this Accusation should be made in the Name of the *Decurio* himself who pretended to be injured; but notwithstanding, the *Præfectus Pretorio*, to whom the Complaint was made, should punish the Offender, as having been Injurious to the whole Court. This Law he directs to *Cynegius* his *Præfect*, to whom he gives the Titles of *Illustrious* and *Magnificent Highness*; and telling him that forasmuch as no Accusation ought to be made by a second Person, he will have him, with that Justice and Equity by which he was known or taken notice of, to punish a Judge who should beat in that manner any Innocent *Decuriones*; or his Officers if they were Silent upon such an occasion. The *Præfetti Pretorio* we have sufficiently seen had Jurisdiction over the Judges or Governours of Provinces. And great is this Testimony the Emperour gives to this *Præfect*, while yet in Office, that he was Renowned for Justice and Equity. But he Charges him only to punish a Judge, as should be to beat an Innocent *Decurio*; whereas by some former Laws he forbids any of that Condition to be beaten with Plummetts, how Guilty soever. He changed the Course and Rigour of his Laws, as he found the Condition and Circumstance of the Persons to Change.

L. 15. de Ac-  
cusation. C. de  
Jurisdi. Cod.  
Th. & L. 14.He bridges the  
boldness of  
Calumniators.

19. Further, about this time the Number and boldness of Informers and false Accusers did so increase, that to satisfy their Malice, or bring about their ends, and yet avoid the punishment due to Calumniators, they were wont more than formerly to use the Names of other Men therein, and pretend to do it upon the Account of others. Yet there was one Cave which in this matter of Accusation deserved that a Distinction should be made, and that was of Guardians or Tutors, who in managing the Estates and Concerns of their Pupils, were often by Exigency of their Affairs put upon it, to accuse their Adversaries of Falshood, Forgery or other matters. Now it being not their own Business, it seemed hard they should make the usual Inscription required by the Laws, or submit to the punishment due to the offence, if not proved; and yet it often so happened, that several such Guardians might make use of the Advantage their Trust afforded, to loaden with Calumnies those to whom they bore Malice. Therefore a middle way was found, that those who exercised such Charges, should make the usual Inscription, but not with that Danger which hung over them that accused in their own concerns; for if it proved not an evident Calumny, and plain, that wittingly and willingly with a malicious Intention they made the Accusation, no Penalty was to fall upon them. But there was another sort of Men, who would not seem to do it in the Name of another; but only to assist the Accuser in way of Duty, Officialness, or Friendship. In this manner *Apuleius* complains to *Maximus Claudius* the Judge, or Proconsul, that one *Emilianus* Craftily went about to accuse him of Magick, by way of assisting *Sabinus Pudens* a Boy, of adult Age; which the said Judge refused to admit, and would have him do it in his own Name, as the Law required in the Case of Tutors and Curators when their Pupils or Minors were admitted to accuse. There were others who to satisfy their Malice would not Commence the Accusation in another mans Name, but yet make use of his Name who they pretended was injured; as by saying that the party killed was their Father, thereby to evade the punishment due to a Calumniator, which he escapes, whoever revenges his Fathers Death. But they were not so properly said to do it in anothers Name, as those who being suborned for the same purpose, either at the beginning of the Accusation openly named him from whom they had Instructions to do it, or else did it without mention of him, though at his furtherance and desire; but both of them were punishable by the Ancient Law, as well the Accuser, as he from whom he had it in Charge. What the Law formerly had determined against Accusations, made in the Names of others, *Theodosius* now confirms, seeming to aim at those who had some Authority and power, and therefore were made use of, by such as imagined they had not sufficient Interest to carry them through, to Impatch those

L. 4. de Calum-  
niation. Cod.  
Th. & L. 8.  
tit. 1. l. 1. c.  
J. 1. l. 1. c.  
tit. 1. l. 1. c.  
tit. 1. l. 1. c.

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to whom they bore Malice, as having committed something against the Prince himself. Though the Emperor or his Treasury might hence reap Advantage, yet such an Accuser failing of Proof, he declares that he shall be punished with Deportation as a Calumniator and Infamous Person; that all manner of Persons may take Notice, that they must not raise the Choler or Indignation of Princes in any thing they cannot prove.

20. But, whereas to prevent the vexation of Accused Persons, that their Innocency might be either cleared, or their guilt the sooner discovered and punished, the ancient Laws ordained, That the Prosecution should be terminated within the space of one year, to be reckoned of old from the time of the Inscription, if the case required it, or, more lately, from the contesting of the Suit, and that under penalty of incurring Infamy by the Prosecutor; this Theodosius, by an Edict directed to *Deferimus* the *Vicar of Africa*, confirms, and further adds Confiscation of a fourth part of his whole Estate. And indeed, great Cause there was that some dispatch should be made in such Criminal matters; such Persons as were in Bonds, and answering for themselves lying under great disadvantages, as being put out of Capacity of manumitting, making any Deeds of Gift, of giving Testimony, impeaching others, or obtaining any Honours. But as Theodosius shewed himself a great Enemy to rash and Malicious Accusations, so where he thought the Cause required it, he gave way for effectual Prosecution. The Custom amongst the *Romans*, was, that Slaves could not ordinarily be examined by torture against their Owners; but by a Law infcribed to *Cynergus*, this year, he declared that it might be in two Cases. Of old time it was permitted in Case of Incest, and in that only, till the making of the *Julian Law*, by which it was also allowed in that of Adultery. Now Theodosius declares, that if a Man accuse his Wife of Adultery, not only his, but her Slaves also, shall be by Torture examined; none excepted; but those that were absent at the time when the Crime was Committed, who yet were not excepted by more ancient Laws. And he further allows this severity in examination of Slaves, both against Master and Mistress, in Case each attempt the Life of the other, having the same respect to this sort of Fault in them both, because equal on both sides, whereas that of Adultery is greater if Committed by the Wife. This was directed to *Cynergus* at the latter end of the year, who after it received one more in behalf of the Countrymen that were oppressed in the Carriage of Provisions for the Army to the several Mansions. He will have the conveyance to be made by those that lie most conveniently for it, and not by them that lie at a distance, except it be the Provision for the Soldiers, upon the Limits, to whom a more than ordinary respect was shewn, for the great concernment of his Service against the Barbarians. For at this time as we have already seen, and shall more, they pressed much upon the Empire, and, if Credit were to be given to *Zosimus*, they were invited in by the Provincials themselves now harassed by Taxes. However, this Exception displeased *Justinian*, who taking the Law into his Code, yet left it out. And indeed both *Valens*, and *Valentinian* the Elder, his Brother, were of Opinion, and declared, that even the Provisions for the Limits should only be conveyed by those Possessors that were nearest at Hand.

21. But let us make some inquiry after *Valentinian* the younger, and see what he Enacted of Consequence, while Theodosius thus concerned himself. We find him endeavouring some Reformation in the Course of Judicature, there being at this time in his District, some Faults committed by the Judges themselves, but especially those that had occasion to sue in their several Courts: For too common it was for them to neglect and pass by the ordinary Judges of the Provinces, and betake themselves to the higher Tribunals of those called *Speculabiles*, or of the *Illustrious* Prefects; possibly by reason of the negligence or corruption of some Judges; but especially out of contempt and disdain conceived by those of Birth and quality, when they saw Persons of mean Descent and Merit preferred to such places, as was that *Terentius* the Baker, mentioned by *Ammianus Marcellinus*, who was made *Corrèctor* of *Tuscia*. However this Contempt of the Ordinary Jurisdiction carried with it two manifest injuries and Inconveniences. For thereby was the Judge of the place slighted and brought into Contempt, to the violation of all good Government; and the Defendant, or Party sued, was drawn away from his own Province to Courts afar off, to his great Charge, detriment and vexation; which being a thing unsufferable, upon this Account it was, that rarely were any called up before the Emperor, however he took Cognizance of Causes. By an Edict directed therefore to *Neoterius* his *Præfectus Prætorio* under

*Valentinian* endeavours to secure the jurisdiction of ordinary Judges.

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der whose Authority the Governors of Provinces were, *Valentinian* expressly forbids that any Persons whatsoever, except Women or Minors (who by reason of their Infirmary, were indulged often by the Lawes) pass by or despise their own proper Judge, or the Judge of the First Instance, and betake themselves to an higher, or one of the second Instance, directly and, as it were, *per saltum*. Any offending in this kind, he ordains as a punishment, shall lose or forfeit his Cause, which in many other Cases, is imposed by the Laws upon such as disturb the Course of Justice. But to prevent any Complaints which might be justly made against ordinary Judges, their Corruption or Pride, he propounds two expedients. First, he alleges that any unjust Sentence given by them, may be reverted by a due and orderly Appeal. In the next place, if the Party could show that the ordinary Judge, either out of Pride or partiality, either refused or delayed to hear him, he should forfeit to the Exchequer the value of the thing in Controversie, and upon the chief of his Officials or Apparitors, and their Adjutants, who amongst other Employments, introduced or admitted Causes into the *Secretarium*, he imposes no less a Pain than that of Deportation. Of the ordinary Judges, he was so far further careful at this time, that their Authority should not be neglected, that he tells the same *Neoterius* in another Edict, that he will have the *Municipes* of every Corporation, when they Challenge any of their Members that abscond, to betake themselves to no other Court for satisfaction therein, than that of their own Province, giving it for a Rule, *That none ought to imagine any jurisdiction so Competent as that of his own Country*. On the other Hand, he will have every *Curialis*, who has governed a Province, to know, that he shall never reach the *Senatorian* Dignity, except he discharges all Dues to his Corporation, in Case he owe any; thereby forcing back Governors of Provinces to the Courts, which though it seemed good also to Theodosius, yet other Princes were of the contrary Opinion: however by this it appears, that the *Senatorian* Dignity once attained at this time, put one out of Danger. If the *Municipes* themselves by any trick hindered the Execution of this Law, or did not force back their Members, he fines the Body in thirty pounds of Gold. For, *Persons of a publick Capacity, may not be free to despise their Profit, or Advantage*.

22. Yet still did *Valentinian* to concern himself about the Reformation of Courts of Justice, that knowing the ordinary perfidious and mercenary dealings of the Apparitors belonging to them, and how by reason of their Absence often in Collecting the Revenue and other Employments, they might presume upon the benefit of the Law, which regularly Condemns and punishes none absent or unheard, he declared that they should enjoy no benefit of it; but might be punished as Right required, though in their Absence. In Case such Apparitors, or Officials of Judges, fled and concealed themselves, he commands that they be, by an Edict openly propounded, cited to appear. If they refuse, then shall the Judge give Sentence against them; and he cuts off from them all hope of Pardon, that despairing thereof they may not expect to escape either by Flight, or by any Remission of the Crime. Not long after, by another Law inscribed to *Romulus*, the *Consularis* of *Emilia* and *Liguria* he endeavoured to cut off the tediousness of Suits, ordaining That after Denunciation made, or the Citation served, the usual Intervals of time should not at all be continued or lengthened, nor not by the Authority of a Receipt obtained from the Emperor himself; for whereas formerly, at the beginning of Suits, the Plaintiff was wont to give security; *Marcus Antoninus* the Philosopher removed that Solemnity, and introduced this Custom of Denouncing this sort of War, or giving warning to the Party to Answer by a day, which Custom yet was omitted and left off in the time of *Justinian*. For prevention of those continual Troubles, which arose about the *Curiales* forsaking their Charges, he ordained about this time, by another Law, that whoever should desire to take the Oath of the (Military) Girdle as he terms it, or lift himself a Soldier, should first in the City, where he was Born or lift Inhabited, publicly and solemnly shew that he neither descended from Father or Grandfather obliged to Municipal Services, nor any way himself, was concerned in them; if he produced such Testimonials from the Register that he had sufficiently made this out, then was he to be admitted, or else to be drawn back, and for ever subjected to the Services of the Courts. And he threatens the *Curiales* themselves, if they should be found, out of favour or affection to dismiss any of their Body, by giving any false Testimony in his behalf. Still further for preventing Delays in Suits, and to bring Causes to a speedy Issue, even where he himself

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L. 6. De Juri-  
dict. & ubi  
quis conveni-  
dit Cod. Th.  
Dat. Medial.  
Fridis Xet.  
Medi. Aug. 3  
Cod. Just.

L. 110. De  
Jurisdictione  
Cod. Th. Dat.  
Xet. Jan. Aug.  
a Cod. Just.

L. 14. De Pro-  
cessu Cod. Th.  
lib. 9. tit. 40.  
& L. 21. Cod.  
Just. ed. tit.  
Dat. Xet. Jan.

L. 15. De Co-  
heredibus Cod.  
Th. & L. 6.  
Cod. Just. ed.  
tit. Dat. Xet.  
lib. Jan.

L. 4. De De-  
nuntiationibus  
Cod. Th. Dat.  
Xet. Jan. Medial.

L. ult. Quis  
procurator de-  
bet. Cod. Th.  
lib. 9. tit. 20.  
Dat. & lib.  
Jul.

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To remove  
grievances  
from the  
Collection of  
the Revenue.

was concerned, he obtained by a Law sent to *Messianus* the *Proconsul of Africa* that in all *Fiscal* causes or relating to the Treasury, if the Party lived in the same Province, the matter should be dispatched in two Months time; if in a neighbouring Province, for producing of Witnesses or Papers, four Months and no more should be allowed; and fix, if his Habitation was beyond the Sea. And this should hold if the matter was brought in the first Instance; if in the second, or upon Appeal, the Debate should be terminated in the first Case within twenty days, and in the second, within as many more. These Rules he would have observed; if he had had Cognizance of the Cause was as an Ordinary Judge; but in Case the *Comes Largitionum*, or the other *Res Privatae*, and heard the Causes themselves; for that they did it sometimes extraordinarily, and as the weight or importance of them required; he left them to the Liberty allowed them by Ancient Custom; and yet by another Rescript in Transmarine Judgments, he confines an Appeal within a year.

23. He found out about the same time another grievance lying upon the People, from the Collection of the Revenue. The ordinary Judges or Governors of Provinces, who were trusted with the Collecting of Tributes, did now employ the *Palatine* Officers belonging to the two Treasurers therein, either for that they found them more honest than their own Officials, or rather, because they carried more Authority along with them. But this Awe and Authority they improved to the vexation and oppression of the Subject, and therefore he commands *Principius* his *Præfekt*, that if any Judge employ a *Palatine*, either in the Collection of Dues, or Commit the Execution of any Sentence to him in any private Cause, as well He, as his Office, shall for every such Offence, incur the Penalty of five pounds of Gold. But now the Offices of the Ordinary Judges seem to have been exhausted, possibly, because of the many severe Laws made against their Avarice and Rapacity, whereby they were hindered from enriching themselves as formerly they had done. Therefore toward the end of this year by two other Edicts, directed to the same *Principius* he took order that such as were in these Employments already, should not forsake their Stations; and for the Supply also of those that were actually void. As to the former, he forbids that any quit his Station under pretence of adorning the Purple, or aspiring to any *Palatine* Office; To that Adoration he will have no Officials of Governors of Provinces, admitted; and of those belonging to the *Præfekt Pretorio*, the *Præfekt* of the City, and to *Vicarii*, only such as by a solemn Right, every year after the term of their Employments fully expired, were allowed to do it. Now of those belonging to the *Præfekt*, not only these called *Principes* of the Office, but the *Comicularii* and *Numerarii* might do it; but of such as attended the *Vicarii*, only the *Principes*; But neither by aspiring to the place of a *Palatine*, nor of an *Agens in Rebus* will he have them forsake the Service, under penalty, not only of being forced back to it again, but of forfeiture of half of their Estates, and being constrained to undergo the Burthen of *Manipes*. But for the Supply of Vacancies, though this Prince (as we have seen) was very severe against those that under any pretence forsook the Services of Corporations, yet he now permitted any *Decuriones* that served these Judges in quality of *Exceptores*, in writing Records to continue; provided, they forsook not the Duties belonging to the Courts; and when they had discharged the place of an *Exceptor*, then returned to their former Obligations, and provided they were not *Cohortales*, nor had allowance out of the Exchequer as the *Cohortales* had, whose Employment yet was sometimes extraordinarily discharged by the *Tabularii*, as need required.

24. As *Theodosius* three years before, so now *Valentinian* found reason to complain of the abusing of his Lenity and Indulgence, by several Persons their procuring Rescripts seditiously or surreptitiously, for easing themselves of the services and payments they were to undergo. Such as by reason of their nearness or convenient Habitations were obliged to convey Provisions for the maintenance of the Soldiers that watched upon the Borders against the Barbarians, had by Friends at Court, or money, obtained Privileges of ease; and thereupon the Garrisons and *Præture* were neglected. This drew from him an Edict to *Principius* (it's probable) for putting in execution an Order formerly made by one *Tiberianus* (whether a *Præfekt* or some other Officer) for regulating of this Affair, and reformation of what was amiss, though procured by the Power of any Mini-

He calls in  
Privileges  
granted to  
payment of  
Customs and  
other Duties.A.D.  
385.L. 13. de Jure  
Fisci Cod.  
Dat. 15. Kal.  
Ostob. Aquilina  
Anst. 1. Cod.  
Jul.L. 45. De Ap-  
pellat. Cod.  
T.L. 10. De Ma-  
litiis S. L.  
R. F. Cod.  
T. Dat. 17. Id.  
Aug. Siquid.  
Aquil.L. 16. De Di-  
versis Officiis  
Cod. T. &  
L. 1. Cod. Jul.  
De passibus  
Præfektis Urbis  
Dat. 12. Kal.  
Ostob. Aquil.L. 17. De Di-  
versis Officiis  
Cod. T. &  
L. 5. Cod. Jul.  
De Nominibus  
Dat. 4. Id. De-  
cim.L. 1. De Jure  
Limproph  
Cod. Jul. l. 1.  
Tit. 50. Dat. 8.  
Kal. Ostob.  
Aquil.

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But confirms  
same granted  
to the Vete-  
rane Soldi-  
ers.Theodosius re-  
frames libel-  
ling.Permits per-  
sons in Suits to  
come to  
Court.He commands  
the *Præfekt*  
to use Char-  
iots in Con-  
stitution.

Minister, or the future Deprecation (as he calls it) of any Person, forbidding all such Importunity and Inconvenience for the time to come. And he further declares his displeasure against such Rescripts as have been obtained to the lessening of the *Annona*, or Tribute paid in Specie, or otherwise for publick Service, by a damnable Subreption, as he terms it, or Infamation. He pronounces it manifest that such Dispensations cannot be good in Law, and commands that an equal form of Payment be observed, and with good Reason; for if Tributes were neglected, which are the finews of War, what would become of the Commonwealth? These two Laws bearing the same Date, and agreeing much in their drift and design, are supposed to have made up one and the same Constitution directed to *Principius*, though in *Justinian's* Code his Name be corrupted into *Le-cinius*. "But though he was careful of his Revenue, he was as kind, if not as just, to continue the Indulgence formerly granted to the Veterans Soldiers, and not only such of them as had risen to the Protectorian Dignity, but all others who had obtained an honest Mission or Discharge; or Immunity from the payment called *Lastrale Collatio*; but with this Restriction, viz. of as much as came to fifteen *Solidi*; If they trafficked beyond the Bounds of this sum, in Customs, they were to pay as other Merchants did.

25. The CCCLXXXVI year of Christ had for Consuls, *Honorius* the young Son of *Theodosius*, by the title of *Nobilissimus Puer*, and *Fl. Eudodius*; it being the eleventh of *Valentinian* the second, and the fourteenth Indiction. *Cyngius* continued still *Præfektus Pretorio* under *Theodosius*; and *Principius* of Italy under *Valentinian*. *Salsut* was *Præfekt* of Rome till the beginning of July, or thereabouts, *Eudodius* and then was succeeded in that Employment by *Pinianus*. In the beginning of the year, *Theodosius* made his abode at *Constantinople*, and *Valentinian* at *Milan*, whence he removed to *Ticinum*, or *Pavia* in February, thence to *Aquileia* about the beginning of April, and thence back to *Milan* in the Month of June. Still we find *Theodosius* Author of the first Law in the Chronological Table, which he enacted at the beginning of the year for securing his People against malicious and scandalous Libels. "Such as should find any such Paper he commands to tear it off that none other may find and read it after him; otherwise if he leave it, or cast it away, or communicate it to the View of another Person, he shall be punished for a Libeller, except he can produce the Author: as also he prohibits him from relating the substance of what he had read and torn, under pain of being obnoxious to the punishments, inflicted by the Law in such cases. And it matters not where the Libel was found, whether in a publick Place or private House, the same Inconvenience being supposed to proceed from either. *Valentinian* the elder, had by an Edict forbidden, that upon a Reference of any Matter to the Emperor, from any of the Judges, the Parties themselves should follow the Process (which was to be transmitted within thirty Days) having discovered that they were wont to apply themselves to great Persons, and by money or favour to work, as to obtain Rescripts, right or wrong, from the prejudiced and abused Princes. "This now *Theodosius*, in another Edict directed to *Cyngius*, declares he had taken into full mature deliberation, and he thinks fit what was before in general and indistinctly ordained, now so far to regulate; that if within the space of a year the Prince his Answer be not obtained, then may the Parties concerned come to Court, and bring with them all the Acts, and the Copy of the Reference or Consultation. For as the Emperors desired to dispatch these Business without the Interposition and purchased Solicitations of their Officers; so on the other hand would they not have these Suits delayed so long as their corrupted *Scriarii* or Judges, by whom the References were made, desired they might be.

26. *Theodosius* making his usual Residence at *Constantinople* bent his Endeavours, as we have seen already, for the Inlarging and Beautifying thereof. For the further splendor of it, now terming it the City of most Sacred Name, he directed a Law to *Nehridius* its *Præfekt*, thereby injoyning "That all the *Honorati*, whether such by Civil or Military Dignities, always should use that sort of Chariot called *Carruca*, and drawn by two Horses, as belonging to them. By *Honorati* are meant both those who had discharged publick Offices, and such as had obtained those Dignities by Codicils; who, forasmuch as in those days the Use of Chariots was common in the City (though in the times of former Princes it was invidious if not unlawful) are hereby required not to live below themselves, but make Use of that drawn with two Horses, which was peculiar to them, as the *Carpentum*,

B b b

A.D.  
385.L. 7. de Dis-  
posit. Refert.  
p. Cod. T. &  
L. 7. Cod.  
Jul. de Annona  
et Tributis.  
Dat. 8. Kal.  
Ostob. ritem  
Principis.  
Item L. 2. de  
Annona et Tri-  
butis. Cod. T.L. 14. de Te-  
stament. Cod.  
T. & Dat.  
ad Principis  
Præfekt. T. &  
N. 200.A.D.  
386.Honorio  
N. P. &  
C. l. 1.  
C. l. 1.L. 9. de Famo-  
li libello. Cod.  
T. Dat. Cyngi-  
us 14. Kal.  
Fib. Constanti-  
næ.L. 34. de Ap-  
pellat. Cod. T.L. 47. ord. tit.  
Dat. Cyngi-  
us 7. Kal. Fib.  
Constantinæ.Omnes Hono-  
rati seu Civiles,  
sive Militares  
dignitatem,  
vilescunt dis-  
tinctione sua  
(id est curia  
bipage) intra  
Quinquagesimam  
annuam  
simpler  
utantur.  
Dat. 8. Kal. Fib.  
Constanti. L. 2.  
de Honorati.  
vilescunt. Cod.  
T. Tit. 14. Tit.  
12. & L. 2.  
Cod. Jul. ord.  
Tit.



Sect. 4.

He encourages  
the Agents in  
Ribus.

or the other drawn by four, to the great Officers in actual Possession; as the *Præfets* of both sorts, the *Vicars*, and Governors of Provinces, who according to the diversity of their Dignities, and Places had them more or less stately. We have heard nothing of a good space, concerning the *Agentes in Rebus*; for the reformation of whose extravagant Courses, Princes, as we have seen, were constrained to make several Laws; and that, if we may judge charitably, with some Success. For now we find *Theodosius* extending his Favour to those of them who had run through the several Employments, and come at length to be *Principes* of the Office; for he ordains by another Law directed to *Cynegius*, "That they, for a Reward of their Labours, not only enjoy the place of *Principes*; but that no Officials be sent out upon publick Employment, as fetching up Prisoners, and the like, except by order of the *Principes*; for they had Fees belonging to them from such Services, as also upon Causes that were admitted to be tried, and from such were admitted first to be Officials. Nay, by another Edit directed to the same hand he declares "That by Codicils having given to such as had been *Principes*, the Honour of being placed amongst the *Consulares* *Adleiti*, he will by authority of this Law have them honoured by all Judges in that Degree and Quality. He had formerly given them precedence before *Rationales*; but set them behind those that had been *Præfets*; but it seems afterward had assigned them place amongst these last mentioned, by a Law which is not now extant. Having this Honour conferred on them in the Senate, it's likely that for all that, it became a Question whether they should be received in the same degree of Respect and Quality by the Judges or Governors of Provinces, who looking disdainfully upon them, might grudge to own them so far in their ordinary salutations, and sitting in their Courts; and perhaps *Cynegius*, being consulted, knew not how to advise, and thereupon had recourse to the Emperor. He seems to reprehend the ordinary Judges, it being consequential enough, that if in the Senate they had obtained this Honour, it should also be imparted to them in their Company. But otherwise the Prince, who was the Fountain of Honour, might confer it as it pleased himself. Therefore as *Theodosius* gave the *Principes* of the *Agentes in Rebus* Place but amongst the *Consulares* *Adleiti*, *Theodosius* the younger, conferred on them the Dignity of *Vicars*; nay, *Honorius* his own Son bestowed upon them the *Proconfular* Dignity.

Removes an  
Abuse in the  
Collection of  
Taxes.

27. About this time he endeavoured to remove another Abuse in the Collection of the publick Taxes. When any Tax seemed to be unequally laid upon Lands, an Officer called *Peregrator* was sent, who, upon View and other Evidence, might regulate that inequality, by laying the burthen where it ought to be, and give Relief as the case required. His Intelligence he usually had from the Stewards or Managers of the Lands, or from the Husbandmen themselves who had reason to understand the true Extent and Value of the Grounds; and therefore their Lords directed the time of the coming of the *Peregrator* would call away their Bailiffs and send them to some other place, or else arm their Husbandmen with contumacy against him, so as to give him no light; for making that Reformation, and inducing that Equality, he came about. To correct this Presumption of the Lords, he ordains "that the *Peregrator* shall go on with his work, notwithstanding the absence of the Bailiff, and regulate the Cess as he shall see convenient, and to his Regulation or Persecution the Owners shall be bound, and yield obedience. Thus, by way of punishment, for Contumacy, might a Tax be laid in the Absence of the Owner of the Ground or his Substitute, though ordinarily it could not be without the presence of one of them. For great respect was had in those times to the Property of the Lords, or Owners, though the *Consulares*, or *Adleiti* were wont from their Husbandmen or Tillers of the Ground to Exact an Oath concerning the Quality and Value of them; against which Custom, as opening the way to Perjury and other Inconveniences, *Sc. Bassi* declains in an Epistle written to one of these *Censitores*, as *Gothofred* observes. Now still again he concerned himself for Corporations against such as should defer their Services; so that if a *Curialis* had procured himself to be made a *Senator*, though he had substituted his Son, or any other in his room, yet should he be constrained, to discharge what belonged both to that Substitute and himself; that is, what Service or Expence was due both from a Senator and a *Curialis*; as *Yph.* in like manner as at this time, if one were both a Senator, and a *Dux Rei Militaris*, he was subject to a double burthen of that Payment called *Glebalis Collectio*; such as were *Duces*, when their Offices were discharged, becoming *Senators* upon

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L. 3. de Re-  
cipiendis Ag-  
entibus in Rebus.  
Cod. Th. Dat.  
p. 10. Kal.  
Mart. Conf.L. 5. de de-  
signatione in Rebus.  
Cod. Th. Dat.  
p. 10. Mart.  
Idem. A. C. d.  
Yph.L. 2. de Con-  
suetudinibus. Cod.  
Th. lib. 13. tit. 1.  
11. Dat. Cyn-  
egius ad Kal. Apr.  
his interpres  
L. 3. Cod.  
Yph. de Censu  
et Censuribus.L. 11. de De-  
curionibus. Cod. Th.  
Dat. Cynegius  
ad Kal. Julii.  
Idem. A. C. d.  
Yph. de Censu  
et Censuribus.

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For the  
Proximi of  
the Scrinia.But Refrains  
too great Ex-  
pence in his  
Offices.The Rapacity  
of publick Mi-  
nisters great at  
this time.

upon this very account. Having formerly granted to the *Proximi* of the three *Scrinia*, viz. *Memoria*, *Epistolaram* and *Largitionum*, the Honour of *Vicars*, or those that Governed Dioceses for *Præfets* *Pretorio*; by this same Constitution, directed to *Cynegius*, he declares, "That it shall not commence as formerly from the time of their going out of the Place of *Proximi*, but upon their very entering upon it. But as hereby he was very indulgent to his Officers, so was he about the same time, as good an Husband in the management of the Revenue, with which some of them made more bold than welcome. Two years ago he declared, That, except those whose number and service was set and defined, none whatsoever should have the usual *Annone* or Allowances, nor receive the usual New-years-gifts, nor any more than his set allowance. However most of the *Palatines* belonging to the *Comes* *Largitionum* had exceeded their Bounds, and both as to New-years-gifts, Cloaths and other things had procured more than what was allotted to their Quality and Condition. For, besides New-years-gifts, which the Prince was wont to distribute in Gold on New-years-day, to those that served both in Camp and Court, they had other Allowances which consisted in four things, viz. the *Annone*, properly so called (which were Corn, Wine and Horse-meat in specie) Cloaths; Silvers; and that they called *Ministerium*, or Servants to attend them. And sometimes the case required that some Persons for their extraordinary Merit, and an Encouragement to others, should have the Allowance of those above them, each having more or less allotted him according to his Degree. But the Bounty and good Nature of Princes was so abused, or those who had the oversight so corrupted, or partially inclined, that the standing Rule was broken, and underserving Persons got the greatest share; which preventing all rewards due to Virtue, and diminishing the Revenue, *Theodosius* now commanded *Proculus* his *Comes* *S. Largitionum*, "That what any man had more than his Due, should be taken from him, and that he should see that no man had greater Allowance than what belonged to his Place and Quality.

28. We must confess, that herein we may believe *Zosimus*; that at this time, or a little before *Theodosius* his shutting up all the Pagan Temples, great Clamours were made by the People against the Covetousness, Rapacity and Corruption of Judges; although his Malice drives further, and derives it from other Causes than he ought. This the Emperor, by a publick Edit, directed to the Provincials, testifies himself, wherein he commands, nay intreats them, that if any of the *Procurators*, *Decuriones*, *Possessors* of Lands, nay, *Coloni* or Husbandmen themselves, or any other of whatsoever Rank or Quality, were by any Judge any way injured; if he knew any such who had been bribed to give Sentence, that had spared any guilty person for Reward, or punished out of Revenge or Malice, or, in conclusion, could prove any Judge to be corrupt, such an one would either, during the Administration of such a Governor, or after the expiring of his Office, come forth, accuse, and make good his Charge; and if he so did, he should carry away both Victory and Renown. Hereby, though ordinarily a Magistrate could not be accused during his Office, which was usually for Term, yet he permits, nay desires he may be charged when in Authority. And as *Constantine* the Great, formerly upon conviction of the Offender, promised the Accuser his Dignities and Estate; so by Glory and Renown, are not here to be understood Dry and Empty Fame, but Employment in the Commonwealth. Upon this same account, perhaps, it was that about this same time he forbids "That any *Apparitor* belonging to the *Præfets* *Pretorio*, any *Palatine*, any Souldier or other, that had continued in such Employment, be by a Judge in his Province commissioned to put any Sentence in Execution, at the request of any Person that hath a Suit depending, whether it be in a publick or private Cause. If he permitted it contrary to this Order, both he and his Office should not only incur loss of Reputation, but damage also in his Estate. The *Apparitors* of *Præfets* were very high and insolent, as we have seen formerly, the *Palatine* Officers also bold and confident, a Souldier fierce and cruel; and one long practised in Acts of severity would have little Pity; therefore all of them were unfit to be employed; for they would oppress the poor Provincials, and be proper Instruments for a Corrupt Judge to bring about his Rapacious Designs. But while thus *Theodosius* employed his time in relieving of his People against the oppressions of seeming Friends, or homed Enemies; a Noise was made of publick Hostility; that *Thrace* was invaded by those who carried not only Destruction in their Hands but openly in their Faces. Against them therefore he turned himself.

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L. 11. de Pro-  
curatoribus. Cod.  
Th. lib. 1. tit. 1.  
Dat. p. 10. Kal.  
Mart.L. 11. de Pro-  
curatoribus. Cod.  
Th. lib. 1. tit. 1.  
Dat. p. 10. Kal.  
Mart.L. 6. ad Legem  
Juliam Re-  
pandam. Cod.  
Th. lib. 1. tit. 1.  
Dat. p. 10. Kal.  
Mart.L. 6. ad Legem  
Juliam Re-  
pandam. Cod.  
Th. lib. 1. tit. 1.  
Dat. p. 10. Kal.  
Mart.L. 8. de Officio  
Procuratoris. Cod.  
Th. lib. 1. tit. 1.  
Dat. p. 10. Kal.  
Mart.

## Sect. 4.

The Goth-  
gi desire to  
pass the Rhr.

Are defeated  
by Promotus.

Gerontius de-  
feats another  
Party of  
Barbarians  
without Oc-  
cider.

29. A certain Nation now appeared beyond *Lifer*, unknown to other sorts of People, but called by the Barbarians of those Tracts, *Gruthingi*, *Grutungi*, *Gothungi*, or by other Names resembling these; each Country differing from other in its Pronunciation, especially of strange and foreign words. This Nation being now Numerous, furnished also with Arms sufficient for a bold Undertaking, and excelling in strength of Body, made no difficulty of piercing through the Territories of other Barbarians that lay in their way, and came to the Banks of *Lifer*, which they demanded leave to pass. *Promotus* who Commanded as *Magister Militum*, in these Parts, extending his Forces as far in Length as he could, upon the Rivers side, opposed them all he might, and to his other Attempts *Zosimus* tells us, he added this Device. He procured some whom he could Trust, and that understood the Language of the Barbarians to go over to them, and promise for a very good Reward, to Betray both the *Roman* Captain and his Army into their Hands. The Barbarians affirmed they could not pay so great a sum; but the Messengers, to gain the firmer Credit, still insisted upon it, and refused to make any Abatement; at length they came to an Agreement, and part of the Reward by virtue thereof was to be paid down. All things being agreed both as to time and manner of the Fact, the Messengers then acquainted the General in what way the Barbarians would Attack him when Night should come. The best part of their Army they put into Boats, and ordered it in the first place, to Land, and fall upon the sleeping Soldiers, the next in worth they agreed should give those Relief, as occasion should serve, and then the rest were to follow. *Promotus* making Use of his Intelligence, got together his Boats, and placed them so, as the Proves were inward or looking one toward another. He placed them three in Depth, and in length stretched them out for twenty Furlongs on the side of the River, whereby he kept the Barbarians from Landing, and meeting those who came in their little Boats, sunk all he could light upon; for the Barbarians, the Night being dark proceeded with all Confidence, knowing nothing of the preparation of the *Romans*. At length, *Promotus* made Use of his great Vessels, and plied his Gallies so with Oars, that he overturned all before him, or if any escaped, they fell into their Hands who were placed all along the side, and there perished, none being able to pass this Rampart. So great a Slaughter being made as scarcely had been known in a Fight upon the Water, the River was filled with dead Bodies, and covered with Weapons, which were of such Materials, that they would not sink. If any men could Swim they escaped not them, who were appointed to receive them in the Arms of Death before once they could get to Shore.

30. The Flower of the Barbarian Army thus destroyed, the Roman Soldier betook himself to his Booty, seizing as he could, the Women and Children, with such Plunder as he could find. *Theodosius* the Emperour lying not far distant, *Promotus* sent for him that he might be witness of the Victory. He having viewed the number of the Prisoners, discharged them of their Bonds, and gratified them with Gifts, by this humanity to gain their Affections, that he might serve himself of them in the War he designed against *Maximus*. *Promotus* was continued in his Command in *Thrace*, and reserved for the same designed War. And here our Historian acquaints us with another story like to this, which he thinks it worth the while to relate. In that part of *Scythia* which was contained in *Thrace*, was a Town called *Tomos*, held with a Garrison, and commanded by one *Gerontius*, a man excelling in strength of Body, and otherwise very able in matters of War; and near to the Town lay some Barbarians quartered there by order of the Emperour, who had made the best Choice he could, and indeed they were men every way excellent for Accomplishments, both of Body and Mind. Yet though by him they had been cared both with greater allowances and honours, than other persons, yet never did they cast in their Heads how they might make answerable Returns, but both contemned the Governour and his Garrison. *Gerontius* was not ignorant of their Demeanour, nor that they had a Design upon the Town to make Disturbance, which resolving to prevent, and chastise their petulant humour, he communicated his Purpose to the most prudent of his Soldiers. They hung back out of fear, apprehending the strength of the Barbarians such as they should not be able to grapple with it; which he having found, resolved with his own Guard to oppose himself against them all; and out of the Gates he issues, while his Men either slept in the Town, were by fear held in their Quarters, or repaired to the Walls, thence to behold the Success. The Barbarians fell on deriding his Madnets, who seemed

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Liv. 4. p. 752.

ausi Danubium  
quendam tra-  
nasse Gruthingi  
in linteris pro-  
gre omnes, tri-  
militantibus  
per fluvium im-  
pae cecidit im-  
manibus alai.  
Dux Odallum  
erat, tante co-  
naminis classis.  
Incipiens alai  
et primus  
contulit unum  
submersit sedem  
vates et. et  
claudians de  
confestim.

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Theodosius not  
far distant at  
the Defeat  
of the Goth-  
gi.

Justly called  
Gerontius too  
Account.

to them, to court Death, and sent out some of their stoutest Men against him. With one of these he grappled, and contended so long, till a Soldier of his Guard beholding them so yoked, cut off the Arms of his Enemy, and threw him from his Horse, which done, *Gerontius* fell upon others of the Barbarians, to their no small astonishment at his Valour. By this time they that beheld from the Walls, overcome with Admiration at the valour of their Governour, and Shame that they should stand idle while he so gallantly demeaned himself, resolved to Act like *Romans*, and issued out of the Gate upon the Barbarians. Some of them they killed, and such as escaped fled to a place honoured by Christians, and esteemed as an *Asylum*. Now *Gerontius* having thus delivered *Scythia* from imminent Dangers, by Conquering the Barbarians through his great Valour, expected to be rewarded by the Emperour. But he was not a little angry at the Death of those he had so greatly honoured, though they had proved the Bane of the Common-Wealth; and causing him to be apprehended, he called him to Account for the great Service he had performed to the *Romans*. He pleaded, that the Barbarians were Rebels, urged their Rapines, and related what Slaughter they made of the People: but the Prince would not hear him, but persisted in this Opinion, that he had destroyed the Barbarians not for any good he thereby designed to the Publick, but to get to himself the Gifts which he had formerly bestowed on them. As to this, *Gerontius* replied, that he had sent away those things (being Golden Chains) after the Death of the owners, into the Treasury; but for all this, he could scarce redeem himself from imminent danger, by all he bestowed upon the Eunuchs; so well was he rewarded for his fidelity to his Country. Thus *Zosimus*, or Malice for him.

31. The Substance of his Story concerning *Promotus* and the Action against the *Gothungi*, we have reason to believe, thought to it other Circumstances may be added. He confesses that at the time of the Victory, *Theodosius* was not far off, and indeed we find him at this time departed from *Constantinople*, and distant in *Thrace* at *Melanita*, some eighteen Miles from the City. For, thence on the third of September, he gave out a Constitution to *Cynegius* for the better Conveyance of Corn and Provisions to the Army, forbidding on pain of Death, that it should be done as formerly, as that those that lived in Inland Countreys should carry it to the Maritime, and those that inhabited in the Maritime Tracts to the Mediterranean. This no doubt had relation to the War he now made upon those Invaders, having in it possibly seen the Inconveniences that arose from such a preposterous sort of Conveyance. On the same day he inscribed another Edict to all *Comites* and *Magistri Equitum* and *Peditum*, wherein he charges them that they take such Order with the *Duces*, *Tribunes*, and *Prepositi*, that all that were Fugitives may be returned back to the places or Courts to which they belonged, both from the Army, and the divers Offices to which they had betaken themselves; no prescription of time being allowed them, if their Fathers or Grandfathers were *Decuriones*, and he threatens the *Decuriones* themselves if they do not accordingly force them back whereforever they are found, and how unwillingsoever they be to return. This Law we may also suppose to be made, when the Barbarians were beaten, *Thrace* delivered, and there was now remaining no such great need of Soldiers. As for the other Story *Zosimus* tells, of *Gerontius* his bold Adventure and Success against the Barbarians; however it proved, any unprejudiced Person would say it was more prosperous than advised; and that *Theodosius* in prudence had reason to call him to Account. For the Rules of good Government will not permit that a Private Officer, as he was, shall without Orders attempt a matter of such Concernment, when the safety of a Garrison and the publick Faith is concerned. *Tomos* was not so far distant from *Constantinople*, nor the Danger so pressing and sudden, but that he might have acquainted the Emperour himself therewith: at least some of his Superior Officers. If private Men may so run on their own Heads, it's needless to have any Superior Directors. *Gerontius* though he might not be inamoured of the Golden Chains about their Necks, yet seems to have been Angry with the Barbarians for their so well faring; a wonderful Heat it must have been that hurried him on upon such an Enterprize contrary to the Judgment of those about him, and without any Assistance, or probability of escaping. But see the Malice of this Pagan Writer. What he condemns in *Theodosius*, he would have commended in *T. Manlius Torquatus*, or *L. Papius Curior*.

32. However, *Theodosius* on the twelfth of October, returned with his Son *Arcadius* in Triumph to *Constantinople*, where having leisure to hear Complaints, and

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L. 22. de An-  
nona et Tribu-  
tu Cod. Th. 6.  
L. 2. Cod. Just.  
et. tit.

L. 113. de De-  
curionibus Cod. Th.  
Anst. 4. Cod.  
Just.



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agree with some other People. And therefore as to this point *Theodosius* the Younger afterward thought fit once that the *Præfidi Prætorio* should first confer whether it were best that the Messengers should come to be heard, or not; and at last resolved they must be heard in his own Presence.

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36. But as *Valentinian* gives liberty to his People to make their applications to him, and make known their Grievances, so on the other side he enjoys them, that they bring only probable things, and not trouble him with Superfluities or Trifles. And to this purpose he declares, that the Messenger shall exhibit all the Decrees, or the Substance of what he had to say, in Writing; otherwise he shall not be heard, but dismissed without his business done. For oftentimes it happened, that when these Messengers exhibited their Instructions, besides them they pretended that something was privately enjoined them which they durst not commit to Writing, for fear of some great men whom it touched, the Interest of whom they found cause to apprehend about the Prince; and sometimes under this pretence they took occasion to vent their malice against one or other, according as their Passions or Interests led them. And for want of this Authentick Warrant and Testimony, the Messengers themselves might be brought into question, they that sent them denying that they had any such thing in Command, as we have already seen in the case of *Joianus*, when the *Tripolitan* were so wrought upon by the Arts of *Romanus* the Comes of *Africa*, that they denied they had given him any such thing in charge to deliver to the Emperor, which made the poor man wrongfully accuse himself; and by endeavouring to shun, to incur punishment, saying that he had lied to *Valentinian* the Elder, who thereupon commanded him to be put to death. "In the last place the Emperor takes care, that the Messengers be not performed at too great an Expence to the Publick, or too much burthen to the *Cursus Publicus*. Therefore he defines the numbers; that each *Dioecese* send but one or two Messengers. To these two or one he commands that the *Rhedæ Curialis* be assigned when they come, for their Conveyance. This is the same with the *Carpentum* or *Quadriga*; and the weight of a thousand pound was put upon it; drawn in the Summer time by eight Mules, and in the Winter by ten; whereas the *Carrus* had but six hundred pound weight, and the *Birota* had but two hundred. As for that called *Angaria*, it was drawn by two Yokes of Oxen, and fifteen hundred pound weight was put upon it. "Therefore one *Rhedæ*, *Valentinian* grants to one or two Messengers of a *Dioecese*; and but one *Angaria* to all the Messengers of the several Provinces of one *Dioecese*; for, they might each send their Messengers, but he would allow them all but one *Angaria*, thereby consulting for the good of the Provinces; but withal for the ease of the *Cursus Publicus*.

37. But of all sorts of men none was more beholding to him than the *Navicularii*, in behalf of whom, now lying at *Aquileia*, he made a brisk Law, or rather revived one made by *Constantine*, out of which his was transcribed with little alteration. It commands that all *Navicularii* through all Ages, be relieved from all Burdens, Services, Conlations and Oblations, of whatsoever place or Dignity they be. And whosoever shall Act contrary to this Law, whether he be Keeper of the Wharf (*Custos Litorum*) Provost of the Customs (*Vestigalium Præpositus*) Excisor, Decurio, or Rationale, or Judge of any Province, he shall suffer death; with a Confiscation of his whole Estate, which he adds to the former Penalty. He had observed (or his Counsellors for him) a custom used by such as begged Estates; that having obtained them from the Prince, as flattered to him, they would endeavour to terrify him that was in Possession, and tire him out with a tedious Suit: Now proceeding against him, and then again desisting, with this Design, to constrain him to purchase some certainty and quiet, by parting with a share of that, which, if the matter came to be fully and indifferently heard, they dispaired of obtaining, by course of Justice. Therefore to put some bounds to this Liberty, he Ordains, "That if after three Citations, such an one do not appear with the Accuser, ready to make good the Allegation, he shall not only lose what he begged, but be Condemned in the expence of the Suit. This he enacted at *Milan* (being thither returned from *Aquileia*) and some other besides. It was prohibited by former Laws, that any person should govern a Province wherein he was born or dwelt; which Custom is observed here in *England* as to our Justices of Assize, and with very good reason, for such as any one may easily apprehend. "But now further, *Valentinian* forbids several Officers also of the Magistrates from executing any Sentence relating to the Publick, or to private persons, in the Province of their Birth or

"Habitation.

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Habitation. He tells *Eulgius* his *Præfidi Prætorio*, that none of his Apparitors, none of the Palatine Officers shall dare to do it, upon pain of his *Præmissum*, his forfeiting Three pounds of Gold, and that the Apparitor offending when out of his Employment, should be forced to become a Member of the Body of the *Municipes* or principal Bakers. Nay, if any *Domestick*, or *Protektor*, a *Strator* (of whom formerly) *Agens in Rebus*, or *Palatine* of both Offices should do it, when dismissed, he should pay a pound of Gold; and for as much as the *Adjutores* of the *Palatine* Offices, the *Numerarii*, or *Atharii* of the two Treasurers were to see to those things, he Condemns them in as much; if this Law through their neglect shall be broken. Shortly after he obliged the *Curiales* of Cities and Boroughs, by declaring that none should escape their services by bating himself to his House, that is, by Hiring his Grounds, being Stewards of his *Res privata*, or his Husbandmen; but that such should be drawn back, yet so as with Indemnity to his own private Estate, if any thing was owing it by the *Curiales*. But whereas out of the Body of these *Curiales* were wont to be Created those they called *Procuratores Metallorum*, who overflow the Mines; when about this time the *Gruthingi* invaded *Thrace*; and some terror hereof had spread into the neighbouring Countries, those *Procuratores* (whose Work lay in *Macedonia*, the *Mediterranean*, *Dacia*, *Mæsia* or *Dardania*) thence took occasion to pretend Fear, deserted their Charges, and endeavoured to compass honourable Employments. "Those *Valentinian* orders *Eulgius* to force back to their Charge, and not suffer them to obtain new Dignities, till they have filled up the term of their Procuration.

38. In the CCCLXXXVII. Year of our Lord, *Valentinian Augustus* the Third time, and *Fl. Eutropius* were Consuls, it being the Twelfth of *Valentinian*, and the Fifteenth Indiction. *Cynagius* still remained *Præfidi Prætorio* under *Theodosius*, and *Eulgius* under *Valentinian*; who continued this year at *Milan* till the latter end of September; and *Theodosius* made his Abode at *Constantinople*, till they both 3. & removed to *Theffalonica*, upon such occasion as we shall discover in due time and place. Now we find *Valentinian's* Laws first upon the File, and he begins with a continuation of the Privileges granted by him and his Father, to the Physicians of the City of *Rome*; as to the Immunities of whom, we have already spoken from the Edicts of former Emperors. "But in case any thing had been acted contrary to those Laws made by them two, he commands *Prinians*, who had succeeded *Salustius* in the Præfectship of the City, that it be rescinded, and the Laws made upon Reference or Relation of the Senate to the Emperors, shall be strictly observed. For he had taken notice that contrary thereto, some Persons had procured some surreptitious Rescripts in their own favour, by the mediation of the great ones at Court. His Fathers Ordination was, that for supplying of Places, the Seniors in the Art should be Judges of the Persons, after they had examined them; and they should succeed as they came, according to their time of Admission; but by some means or other, one was lately crept in by Virtue of a Rescript or Mandate, which dispensed both with his Examination, and also Seniority; putting him into the place of him, to whom he succeeded. This may very well be supposed to be the Cause, for the very same happened Three years before, when *Symmachus* was *Præfidi* of the City; and therefore he made Relation to this very Emperor himself to this purpose. "As I reverence your Sanctions, so I highly esteem the most wholesome Laws made by your Father; who amongst other things he Ordained for the publick good gave to Professors of the Art of Medicine, Order of Succession, in case a Room was vacated by the Death of any of their Number: By this Law it is required that the first or chief of the Science be Judges of the Skill of such as are newly to be admitted; and this, they say, hath been ever since observed. But now there is one *John* (*Vir Perseverissimus* he calls him) who pretends not to the place your Fathers Edict gave him, but one next to the top, being furnished with the Privilege of the *Palatine Militia* (that is, has been *Archibater* in the Palace) and further by a special Rescript, whereby he procured the place in reversion of *Epistetus* then alive. Now, for as much as Law and Custom both did require that the Principal Physicians should be Judges in the Point; the whole Colledge was called together to give their Opinions of whom the most considerable, being on one side moved with a Veneration of the Law, and on the other, with reverence to the new Privilege, would not dare to speak their minds, but aligned to *John* that place empty which he should have had."

Ccc

if

Obligate the  
Navicularii.Refraignes  
such as begged  
Estates.And makes  
other Laws.One concern-  
ing the Privi-  
leges of  
Rome.L. 17. de No-  
viculariis Cod.  
Th. Dist. 11.  
Præfidi  
P. P. 12.  
Rel. Rel.L. un. de Pri-  
vilegiis & dis-  
pensat. Cod.  
Th. lib. 8. tit.  
13. Dist. 11.  
Gegenum  
com. R. P. 8.  
Id. Jan. Anst.  
4 Cod. Juf.L. 4. de Ex-  
cubitoribus & Ex-  
cubitoribus Cod.  
Th. lib. 8. tit.  
8. & L. 3. Cod.  
Juf. de dis-  
pensat. Officiali  
Dat. ad Eulgius  
3. Nov. Di.  
cens.A.D.  
386.L. 114. de De-  
curionibus Cod.  
Th. & L. 39.  
Cod. Juf. mod.  
tit. Dist. ad e-  
undem 8. Rel.  
Jan.L. 4. Cod. Juf.  
de Intelligenti-  
is lib. 11.  
tit. 6.A.D.  
387.  
Valenti-  
nian  
Augustus  
3. & Eutro-  
pius Cons.L. 19. de Me-  
dicis & P. Cod.  
Th. Dist. 11.  
Rel. F. 11.  
Indist. ad  
Prinians P.  
P. Anst. Cod.  
Juf.Epist. 40. tit.  
10.

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if he had been admitted into the Colledge at such a time as he went to serve in the Palace. But when he came to be asked for his Codicils or Letters, whereby his Place and Rank might be known what it was, amongst the *Palatine Archivarii*; he affirmed they were stolen from him, and could not be produced; but on the other hand, many of the Physicians shewed several Copies of some, who though they came from Court, yet passed into the Colledge in the same way and method as others did, and in observance of the Law. Wherefore perplexed in a doubtful Case, as neither daring to break your Fathers Law, nor to refuse your special and particular commands; I have sent the Allegations of the Parties, and referred the whole matter to your cognizance, from whom I expect what course to take: it belonging to Imperial Authority alone to interpret Laws. Such is the Relation or Consultation made by *Synmachus*, to which this Law might seem a direct and full Answer, but that it bears Date in the Third year from his Praefecture.

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Feliciter, the Praefect, his care for Buildings and Highways.

39. The Spring now coming on, *Ensignius* the *Praefectus Praetorio* of Italy, set himself to the repairing of the High-ways of that Country, which very much agreed with the Condition they were in at this time, and with the humour and Inclination of the Person. For now also he took great Care for the raising of a *Basilica*, as they called those public Buildings with Galleries; and of a Bridge, which being committed to the care of one *Bonofas*: he used his utmost endeavour for carrying on the work; but it was left, and received much delay, by reason that one *Copriades* a *Cousin* and *Mechanic* was joyned with him, which put *Synmachus* to trouble as well as others, as he shows by several of his Epistles. But in order to the repairing of the ways, *Ensignius* procured a Rescript from *Valentinian* as full as he could desire; for, whereas several Ranks pretended an Immunity from this service, as Illustrious Persons, the House of the Prince, Church-men, those Possidors of the Emperors Lands in perpetual Right called *Emphyteuticarii*, and *Veterane* Soldiers; he expressly commands, that none whatsoever be admitted as Free, and indemnified from this work. And as by another Law, a penalty had been imposed upon the Lords of the Adjacent Grounds if they refused to contribute; so now, if their Adors or Bailiffs bearing themselves high upon the qualities or privileges of their Masters, would not obey; he orders that they be seized on, and condemned to the service of his own House, or his own Domains; so as to be amongst the servants of his Patrimony, or *Res Privata*. But however *Ensignius* behaved himself in this or other matters; a Complaint was brought to the Emperor shortly after, against his *Vicars*, for their Insolent Deportment towards the *Domesticks* and *Protektors*; whom they refused to admit to a Kiss, when they saluted them, as the manner was toward those, who for their place or Eminency were indulged this privilege. "Amongst these *Valentinian* tells *Ensignius* he will have these Persons reckoned, and that whoever denies them the Honour, shall be esteemed and taken as guilty of what was like to Sacrilege (as those were said to be, who were Violators or Contemners of the Imperial Laws or Orders) because they were thought fit enough to touch or kiss his own Purple, which serves as an Argument from the greater to procure the lesser privilege. Nay, *Valentinian* Hand being now in for Correction of the Arrogance of his Ministers; he is thought to have given a Check to *Ensignius* himself, and set bounds to the Ambition of him as well as others: For in another Law which *Gothofred* thinks made up with this one as Constitution. "He tells him that the Illustrious the *Comites*, and *Magistri*, of Foot and Horse, shall exercise no Power or Authority over the Provincials: neither the most ample *Praefects* over Military men. Yet did he now enlarge the Power of *Ensignius* in one Case, or give him leave to use his Discretion. Though, as we formerly have seen, when one Possessor had Grounds in several places; it was not Lawful to pay all Tributes in one, because many Inconveniences thereupon happened; yet now it was found that when these Lands were but small, and the Tribute thence arising inconsiderable, it was not worth the while to convey it; and therefore in such Cases he leaves it to his Discretion (to whom belonged the care and charge of Tributes) to admit this Translation (as it was call'd) when convenience should require, with these further instructions, "That the payment should be made where the Possessor had most to pay, and that it should be done without fraud or detriment to the publick.

The Vicars of Praefects refused for not admitting certain persons to the Kiss.

Feliciter, Vicarius alio.

Translation of Tributes in some Cases allowed.

Epp. 71. l. 4.  
76. l. 5.  
38. l. 10.L. 3. de *homo*  
mon. d. Cod.  
Th. lib. 15.  
tit. 2. Dat. 4.  
Kai. *Inter*,  
Abol. d. Cod.  
Juli.L. 4. de *Do*  
mest. d. Cod.  
Th. lib. 1.  
tit. 1. Dat.  
Juli.L. 3. de *Co*  
latione *trans*  
latione *possi*  
tion. Cod. Th.  
lib. 11. tit.  
22. Dat. 18.  
Kai. *Inter*,  
Abol. d. Cod.  
Juli.

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Theodosius sub-  
jects Curiales to the torture  
by Plummets.

40. The Legislative Power being such as affords proper remedies for the Distempers of a State, must needs alter its Rules and Decrees, as the Temper of the Commonwealth it self doth alter; the same Laws no more suiting a Nation, or People at all times, than the same Physick, the same man in all Distempers, or the same Clothes in all differences of Health and Age. Therefore *Theodosius*, though he was so very Indulgent to Corporations, and made so many Laws for security of the *Curiales* from tortures and other matters, yet now thought fit, if not to retract, to lessen and regulate what he had ordained concerning their Immunity. And this was by reason that the *Decuriones*, or Principal *Curiales*, having the Care and Management of the publick money, making the Distribution of the Tributes how they should be paid, and being also employed in gathering of them, often spent the money they had in their hands, turned Bankrupts; and, as Spendthrifts must, if they have opportunity, be Rapacious, were immoderate and cruel in their Exactions. "He commands therefore that in all these Cases the ancient custome of subjecting them to the torture of Plummets be revived, and that not only by Order of the *Praefecti Praetorio*; to whom, as he tells *Cyngius*, for the Dignity of their place, the chief Authority was committed; but also of the ordinary Judges, for the restraining of whole severities against the *Curiales*, several Laws had been made; and therefore it might be much doubted whether they would adventure on it; though hereby he seems to abate some of that respect he had for Corporations, yet much at the same time, he enforced several Laws he had formerly made against the *Curiales* their forsaking their Charges therein, and this of new he enjoyed. "That though by reason of Age a man regularly obtained Excuse from Services, yet he will not have him wholly discharged, but be present at Elections and such Decrees as might best be dispatched by full Courts. But *Theodosius* his Ears were now open not only to complaints he received of things done at home, but also from out of the ordinary Verge of the Roman Empire. Foreign Nations either for the Reverence they bore to the Majesty of the *Romans*, or out of fear of their power, to which in some sort they submitted, often presented the Emperors with Golden Crowns, or the Gold called *Aureum Coronarium*. Amongst these inhabiting towards *Persia*, were there certain *Satrapae*, at this time, or Governors of Provinces, who owned the Sovereignty of *Theodosius*. Indeed *Ammianus* tells us of Five of those Provinces formerly taken from the *Persians* by *Maximian*, but restored back again by *Jovian*. One now belonging to the Empire, though Governed by its peculiar Laws and Customes, was *Sophene* (which some make part of Old *Syria*, and others include within the bounds of *Armenia*) the Inhabitants whereof complained that they were burthened by the payment of the now mentioned Gold. *Theodosius* hereupon directed his Edict to *Gaddanas* the *Satrapa* of the Province, and therein he tells him he decrees That it shall be restored back to them again, from whom it seemed unlawfully taken. "And that all *Satrapae* present those Crowns, which they owe, out of their Devotion to the Roman Empire, solemnly to his Serenity, at their own charge. For from him they seem to have renewed their Commands, and to have paid those Crowns, or this Gold as an acknowledgment.

L. 117. de *De*  
curion. Cod. Th.  
Lib. 40. Cod.  
Juli. d. tit.  
Dat. Kai.  
Abol. Const.  
Non solum a  
vobis (quibus  
propter loci  
discretionem  
veram sanam  
commisisti qd.)  
verum a *Judo*  
cibus *Ordina*  
ria.L. 116. d. 118.  
Ipsa. tit. Cod.  
Th.L. ult. de *Auro*  
Coronario Cod.  
Theod. Dat. 18.  
Kai. Juli.  
Cod. Juli. Abol. d.  
temporariae  
historiae.Celebrates the  
Quinquennial  
of his Son Ar-  
cadius, and his  
own Decennal-  
ia.

41. Possibly he gained much Repute with the Inhabitants of these Provinces, by his favour extended to them in this kind. But however it hapned, he lost as much Love in one of his most eminent Cities, by a rigorous exaction of the Tributes. We are to know that this year he celebrated the *Quinquennialia* of his Son *Arcadius*, or used the solemn and usual way of rejoicing for his entering the fifth year of his Sovereignty, as he did also afterward his own *Decennalia* for joy that he was arrived in the tenth year of his Reign. For such was the Custom of *Roman* Princes, that, when named *Augusti* by the Souldiers, to bind them the faster to them they gave them a *Donative*; which was also observed by their Sons, although they succeeded by hereditary Right, as *Herodian* notes concerning *Commodus*. The Emperors, in like manner, gave the Military men a *Donative* in their fifth and tenth years (*Quinquennialia* and *Decennalia*) because, as *Ammianus* writes, this was a kind of Renovation, or New beginning of their Empire, viz. to every man five *Aurei*; which solemn custom was at length abolished by *Justinian*, if he that wrote the secret History fathered upon *Procopius*, tell true. This was performed by *Theodosius* at this time, and being to make this Large, both upon his own and his Sons Account; the Expence must necessarily require a great sum of money. For this he exacted an answerable Supply of the People, which cast the Inhabitants of *Antioch* into a great detraction, inasmuch that they demolished

Hic donati-  
vum receperit  
Liberator As-  
gledictum  
Ammianus. Vide  
Vulsiij. dicitur.  
In *Ammianus*.  
Necesse. p. 374.Is at great ex-  
pence, and  
raises money.



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his Statues, as *Libanius* the Sophist relates. But *Zosimus* must still write in his own way; for after the sad story told of *Gerontius* he adds, that, Matters going so wretchedly in the Reign of *Theodosius*, and no excellent Action or what tended to Virtue, being encouraged; but every thing conducing to Effeminateness and Luxury increasing by whole Ells, as the Proverb then went; the Citizens of *Antioch*, that great City of *Syria*, not enduring that multiplication of Tributes, which every day was contrived by the Exactors, fell into tumult, defaced both his Statues and those of the Emperors, and cast out Speeches, not untrue or improper for the state of Affairs, but suting the Liberty and Urbanity of Speech which was familiar to them. The Emperor hereat being angry, threatened to punish this Offence, according to its desert; which the *Decuriones* of the City understanding, sent their Messengers to him to excuse what had been committed by the Multitude. They employed on this Errand *Libanius* the Sophist, famous for the Books he left behind him, and *Hilarius*, a Person renowned both for the lustre of his Family and his excellency in all sorts of Learning. And the Sophist in an Oration had before the Emperor and Senate, so much prevailed, that the Prince changed his Resolution, and ceasing from all Anger with the City, enjoined him another Speech concerning this Reconciliation; moreover out of Respect to the great Virtue of *Hilarius* he preferred him to the Government of all *Palestine*. Thus wretched *Theodosius* concerning this matter, who, if he could have done it, would have blamed *Theodosius* for his Clemency; why he aggravates every thing against him, and minceh every offence he had cause to punish he sufficiently understand. But however, we are informed elsewhere, both of the true occasion of this Tumult and the extravagancy thereof, and by what means the Emperor was brought to remit the punishment.

Thereupon the *Antiochians* fell into a tumult and demolished his Statues.

42. That the occasion of it was the great expence, which according to the Custom, he was to make in caressing the Souldiers, and otherwise, upon his Sons and his own account, *Libanius* testifies; although our Church-Historians, as *Theodoret* and *Souzenon*, ascribe it to the Preparations for War, which some apply to that which formerly followed against *Maximus*. The Statues both of him and his late wife *Placidia* (by several called *Placidia*) they demolished, the being dead the year before; and not only theirs, but those also of his Sons *Arcadius* and *Honorius*, and of his Father *Theodosius* the Elder. To chastise this Insolence and Rebellion were dispatched away, by the angry Emperour (who most took to heart the injury offered to his deceased Wife) *Casarius* the *Magister Officiorum*, and *Elleebichus* the *Magister Militum*, of whom we have heard already, and are likely to hear more out of the Laws. In the mean time *John*, who was surnamed *Chrysostom*, and then resided in that City, by his Eloquent Orations, fitted to that great danger which then impended, moved the People that committed the Offence, to a great sense of their Guilt, and Punishment. The first he made was seven days after the commission of the fault, which he so much exaggerated, as that his drift was to shew that the Hainousness of it could not be exprest. In order to this, he insisted both on the *Necessity* and the *Immunity* of the thing. Nothing, he said, had been formerly than that their City more venerable; and now at present nothing was rendered more miserable. The Inhabitants thereof had been as composed and gentle, formerly, as an Horse tame and used to the Hand, that would meet those that made much of him; but now all on a suddain it kicked and spurned, and had done such mischief, as it was not any way fit to speak. He tells them he lamented and mourned, not for the sad Effects of the Emperors Threats, expected by them, but for the madness of the follies committed. For, although the Emperor were not angry, would not at all punish or chastise; yet he demands how they should be able to bear the Ignominy which they had contracted? And so falling into a passion, as he seemeth, he tells them that sorrow interrupts him in what he hath to say. He both laments himself, and excites his Auditors to do the same; and adding that Almighty God permitted this to fall out because they tolerated such as had blasphemed him, he exhorts them to Repentance in many words.

43. The Holy time of *Lent* now was come, wherein the *Antiochians* flocked to Church, having no other comfort but what there was afforded them; and therein *Chrysostom* Preached constantly to them, being exceedingly touched with a sense of their condition, whom, according to his Place and Calling, he earnestly exhorted to Repentance. The Homilies are still extant; and in them sufficiently appears what Eloquence can do when joyned with Necessity. But the Judges in Commission

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He sends Officers to punish the mischief.

Whom certain Christians Eremites restrain.

The miserable Effuse of the City during the four days of proceedings.

miffion for trial and punishment of the Offenders are now arrived at *Antioch*, which first they degrade from the honour of being the *Metropolis* of *Syria*, and then they shut up all the publick places; as the Baths, Theatres, Forums and others. *Laudice* is made what Noble *Antioch* formerly had been; and the most eminent of them that were known or suspected guilty are apprehended and sent to Prison, to whom Tortures are presented, a sufficient Guard being in the mean time bestowed up and down the City, to prevent any Rising of the Inhabitants. The Judges prepare severe Inquisitions, and the Estates of those that are most suspected are seized, the Tables of Proscription being fastned upon their Doors. A great part of the Citizens, after the commission of the Fact, being aware of what would follow, when they heard that Judges, and an Army would be sent down, withdrew themselves; of such as remained, some were sent to Prison, and the rest expected hourly the Officers to be at their Gates, having no other Consolation than in their Devotions and the good effects of *Chrysostom* his Sermons. The Noise hereof could not but be stroug and fly far and wide; and to the Mountains it came, where many Christians then lived an *Eremitical* life, who no sooner heard what Destruction hung over the Heads of the Citizens, but hastied thither, applied themselves presently to the Judges, and by their importunate Arguments drawn from Christian Piety and Mercy, prevailed with them to respite all farther Proceedings, till such time as a Medlage might be sent to the Emperor. For procurement hereof they adventured their lives, and for four days together watched the Gates of the Court, to prevent the execution of condemned Persons, as *Chrysostom* affirms, who upbraided the Philosophers of *Antioch* in this manner: Where are they now that wear the *Pallium*, and stretch out their long Beards, with their Staves in their Hands? These Philosophers of the *Gentiles*, these *Cynical* Mithchiefs, more miserable than Doggs under the Table, and doing all things for the sake of their Bellies. They all then forsook the City, all ran away, and hid themselves in holes: they only, who by their works shew forth true Philosophy, as if there had been no danger at all, appeared unconcerned in the *Forum*. Those that lived in the City betook themselves to Mountains and Holes; and *Hermits* living in Mountains came down as Inhabitants, in this dreadful time, into the City.

44. But how lamentable the Face of things was in *Antioch* these four days, wherein the Judges sat and examined the matter before they were prevailed with to stop their proceedings, the same Person, who was an eye-witness, puts his Auditors in mind afterward, to make them sensible of their Deliverance. He tells them "That when the greatest part of the Citizens out of fear was run away and had hid themselves in Caves and Holes, the Houses were without Women, and in the *Forum* were no men to be seen: possibly two or three in the middle thereof, and like nothing so much as walking Ghosts. Going then to the Hall of Justice, to see what would be the Issue, and seeing the remainder of the Citizens standing at the Gates, he most admired, that though a multitude thither had flocked, there was as profound a silence as if no body had been present, one looking at another, but no man daring to ask him that stood next him, or to hear from him what the News was. For every one suspected his Neighbour, when they perceived many taken sodaynly out of the Crowd and carried in, when no such thing was once thought of. But all of them together looked up to Heaven, and in silence stretched out their Hands thither, expecting deliverance from above, and beseeching God to stand by those that were to be tried, and to soften the Hearts of the Judges to the producing of some milder sentence. Now being got into the Hall, a more terrible Sight presented it self, viz. of Souldiers every way armed, so as to keep peace and order, while the Judges did their work. Now because the Wives, the Mothers and Children of those that were condemned stood at the Gates; that no noise nor disturbance might arise, when they saw their Relations led to Execution, they caused them to be removed all away. But the most sad Spectacle was, that of the Mother and Sister of one of the Prisoners who crept through the Crowd of Souldiers, and lay prostrate on the Earth at the Feet of the Judges, where hearing nothing but the Noise of the Executioners, the sound of the Blows they gave, the mourning of those that indured them, and the dreadful Sentences of the Judges themselves, they seemed to indure greater Torments than they who underwent the Punishment, being chiefly concerned lest these that were tortured, by extremity of pain should be driven to accuse their dearest Relations. The Relator of these Passages

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ges declares, that, he seeing those who at home had their Maids and Eunuchs to attend them, and nothing wanting to their Ease or Pleasure, now lye upon the bare ground at the feet of the Company, and hearing them with all the expressions of sorrow they could utter, begging those present that they would intercede with the Judges, he could not but break out into that expression of *Solomon's Vanity of Vanities, all is Vanity*, and it put him into a profitable Fit of acting the true and Christian Philosopher in other Meditations suitable to the present occasion.

The Judges resolve that the Punishment shall be referred to the Emperor.

Flavianus the Bishop goes to the Emperor.

Who Expofulates about the Injury done to him.

Flavianus concludes the grounds of his

45. These that now were arraigned were the Principal of all the City; and joyful they would have been, if they had brought them word that they might redeem their lives, by parting with whatsoever else they had, even liberty. The day being over, and the issue of the Trial expected, all persons were in greater expectation and anxiety, and prayed that the matter might be put off and referred for the cognisance of the Emperor himself, from whom they hoped for some easy Sentence: and now every where were plenty of Prayers and Tears to be observed of such as, touched with a love to their Country, desired of Almighty God that he would spare the Remainers of the City, and not suffer it quite to be rooted out. In the mean time the Judges were moved with none of these things, intent only upon that for which they came, and drove on Foot and in Chains through the *Forum* into Prison those who a while ago had Horse enough of their own they kept at home, and needed not to have walkt, besides multitude of Servants to attend them: their Goods were seized, Bills of Proscription set upon their Dores, and their Wives and Children constrained to seek for Lodging they knew not where, for every one was afraid to receive them. And yet they seemed pretty well satisfied in parting with their Estates, and the deplorable condition to which they were reduced, in that they still enjoyed their lives, which they expected also sodainly to part with. But see, when nothing but death and slaughter ran in their minds, sodainly they were surprized with exceeding Joy; when the Judges resolved that the matter should be first reported to the Emperor. Not only the Monks but the Clergy then in the City, laboured abundantly in this work; one resolving at first to go with his life in his hand to the Court, and others beseeching, intreating and falling at the Feet of the Judges till they had procured a Reprieve, then kissing their Hands and their Feet to thank and keep them in the same humour. He that went to Court to intercede, was *Flavianus*, Bishop of the place, who foreseeing the Danger undertook the Employment shortly after the Fact was committed, and in his way met with the Commissioners that were sent to examine and chastise it. Being come to the Palace, as *Chrysostom* describes him, and was suitable to the trouble of mind he underwent, he stood at a distance from the Emperor, in a silent and weeping posture, hanging down the Head, and not daring to look up, as if he had been the man that committed the Crime; and that with this Design, that he might first move *Theodosius* to compassion, and that done, then begin his Defence. For guilty Persons can only be allowed to be silent, and say nothing in Excuse for what is done.

46. The Emperor at length espied him in this posture, and came to him much moved to see him in so sad a plight; and though he knew his errand, gave him not one angry word, never upbraided him with the Sawciness and Rebellion of those for whom he came to intercede; but began a grave Expofulation, wherein he related how kind he had been to the City since his first coming to the Government, and then demanded if he deserved such a requital, and what ill turn it was he had done them, for which they had designed him such a Reward? Whatever it was they might have revenged it upon the living; but that would not satisfy them, except their Indignation extended it self also to the dead. He ended with a protestation, that he had esteemed *Antioch* above all other Cities; that it was more valuable in his Thoughts than his own Country; that he had desired to see it above all things, and all those that conversed with him were sufficient witnesses of his Vow. At this *Flavianus* fetching a deep sigh, and pouring forth plenty of Tears, replied, that they could not but be sensible how much he had respected their City, and that therefore the greater was their Ingratitude and Guilt; inasmuch that though he burnt or demolished it, and put them all to the Sword, yet he could not inflict a Punishment so great as they deserved; and whatever he could do, this would still remain as their greatest plague, that they had been ingrateful to their Benefactor; and should be condemned as an Instance of Ingratitude, by Posterity. For had their City been broken open by Barbarians,

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but useful great Arguments to induce him to pardon it.

and the Inhabitants thereof carried away Captive, they could still have been comforted by this consideration, that he being alive, and bearing them to much good Will, would amend what was amiss, and restore the place to as great a Lustre as formerly. But now what hope was remaining, that after such a misfortune such a Deliverance would come, he from whom they were to expect it, being disoblige'd? To whom now could they betake themselves? what Refuge could be remaining in such a Case? But however, if his Majesty pleas'd, there would not be wanting a Medicine for this Disease. For amongst private Men great quarrels and fallings out often procure as great Acts of Charity and Friendship. When God had made Man and placed him in his Paradise, the Devil envying his happiness tempted him to disobedience, and thereby cast him from this Station; but God not only not forsook him, but, instead of Paradise, opened Heaven unto us thereby, both demonstrating his own goodness, and insisting on the Devil greater Punishment.

47. He advis'd the Emperour herein to imitate his Maker. For the Devils had left no stone unturned, to bring into Disgrace with him, that City which of all others he most loved. He prayed him that though he did punish the Crime, yet that he would not exclude the Citizens from his favour even in Consideration hereof; but, to be revenged upon these their Enemies, rather write *Antioch* amongst the chief of those he respected. If he overthrew or destroyed it, he should do what they aimed at; but if he would remit his displeasure and restore it to his former favour, he would do them the greatest despite imaginable, thereby shewing that they not only profited nothing by their Plot, but every thing happened quite contrary to what they propos'd to themselves. And herein he would be just, in shewing Mercy to that City which the Devils envied, because of his Friendship. For if he had not so much loved it, they would not have so much hated it; so that though Strange, yet it was true, that it had undergone this Calamity for his sake. How much more bitter than all Turnings and Subversions were those words he utter'd, that he had by this Fact being more affronted than had any of his Predecessors? But he pray'd him out of his Goodness and Wisdom to consider that this Affront that was offered him, would afford him a Crown more Noble, and of greater value than the Diadem he wore. His Diadem indeed was a Token of his Virtue, and of the Liberality of Almighty God. But the Crown woven out of this his Compassion and Mercy, would be his alone, and the reward of his Wisdom. And all the world would more admire him for his Conquest over his Passion, than for the glittering pretious stones he wore on his Head; Though they had demolished his Statues, yet if he forgave the Demolishers, and would not take the Revenge of them that he designed, he would have as many Statues Erected him as there were at present, and would be Men in the world. For Posterity would hear of this his Clemency, and for it would both admire and love his Memory. And that what he said was not out of Flattery, but true, and upright dealing, he would show by discovering to him from a passage of former times, that neither Armies nor Arms, Money nor multitudes of Subjects, nor any other thing could render Princes so illustrious as Clemency, and the Discipline of the Mind, in bringing it into Subjection unto Reason.

48. There's a Story, faith he, suitable to this occasion, of *Constantine* of blessed Memory, his Statue being defaced; for which he was vehemently moved by some Flatterers to take Revenge. As a Motive to it, they told him, that his Face was grievously battered; at which words, he felt his Face with his Hand and smiling replied, that he could feel no wound he had received, but that his Face and Head were sound and unbroken. This put the Flatterers to silence, but the Saying he used hath since that been ever spoken of, neither will it hastily be forgotten. Now was not this Conquest more noble than the many Trophies hee-rected? That Prince built many Cities, and was Conquerour of Multitudes of Barbarians, yet of these things nothing is remembered; but this Speech of his, is in every ones Mouth, which by all Posterity will be recorded. Now if for it he obtained so great Fame amongst Men, how shall Almighty God, the bountiful rewarder of all good works, Crown his Clemency? But what need is there, faith he, that I should instance in *Constantine* or any others, when the Case requires, that I put you in mind of your own good Deeds? Call to mind what formerly you have done; how in this Fall of Lent before *Easter*, you sent out your Letters through the world, whereby was injointed, that Prisoners should be pardoned, and set at Liberty; and this not sufficiently expressing your humanity, you used these words, in the said

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Sec. 4. Letters: *I wish I could restore those already dead to Life.* Remember these words; for now you have your wished for opportunity of calling the Dead to Life again; the Citizens of *Antioch* being already dead before Condemned, the City lying now upon the Brink of the Grave; therefore now restore it, as you may do without money, without Charge, without expence either of time or Labour. One word from your Mouth will do it; and the poor Town will acknowledge it self more indebted to you than it's Founder, and that with Reason. For he only gave a beginning to it and so desisted; but you will restore to its grandeur a great and mighty City destroyed and brought to as bad as nothing, after a great time of tranquillity and Repose. It would have been no such great exploit, if being taken by the Enemy, you had refused it out of their hands, as now it will be generous to pardon it. For many Princes have done as much as that can amount to; but this will be your Achievement alone, and work beyond expectation. It's a thing so far distant from wonder, that it's practised every day, that Princes do good unto their Subjects; but that one who had suffered such Affronts should put them up and forget them, this exceeds the strength of humane Nature. Consider that now as to the matter in hand, you do not only consult about the state of one City, but concerning your own glory, nay of Christianity it self. For now the Eyes of *Jews and Greeks, and Barbarians*, who have all been acquainted with what hath happened, are upon you, and expect what Sentence you will pass upon the Offenders. If it be mild and gentle, all will commend it, praise God for it, and say; *Of what great power is Christianity, which is able to restrain a Man that has no equal upon Earth, who has power to punish and destroy at his pleasure, and hath taught him such Philosophy as no private person would practise the like. Certainly great is the God of Christians, who of men makes Angels, and such as are above all natural Necessities.*

49. Neither let that vain and groundless Fear possess you, into which some perhaps would have you cast, as if sparing this City would make others confident and refractory, and your Government to sit too uneasy upon your shoulders. Indeed had you been in no Capacity to punish, and that these Rioters had contended and got the better of you, then might you have entertained such a Suspicion. But for as much as they are astonished, already half dead, in me their Deputy lye now prostrate at your Feet, expect nothing but destruction, and place all their Refuge in Almighty God, whom they cease not continually to invoke to prosper my Journey, in a word behave themselves no otherwise than those that are at the point of Death, how careless and superfluous is this fear? Had they presently been ordered to be put to death, they had not suffered so much as now they endure, living so many days in Fear and Trembling, when Night comes, they expect never more to see the Day, and when Day comes, they do not hope to reach the Evening. Many by seeking to escape the Danger in the Mountains, have fallen into the Jaws of wilde Beasts; not only Men, but little Children and Women, both Beautiful and well born, lye lurking in Caves and Dens, much more proper for other sorts of Animals. A new sort of Captivity hath seized the City. The Buildings and the Walls do stand, and yet they suffer more than if Fire had destroyed their Houses. Though there be no Enemy, no Barbarians appearing, yet they are more dispersed than those that shun Captivity, and worse disposed of than such as are taken Prisoners. If a Leaf of a Tree do but wag, they are thereby scared and terrified all the Day: Prolong not therefore their Miseries, but give them some time to take Breath. It's ealie to awe and asfright, but to procure ones self Friends and Lovers, such as will be quiet, obedient and heartily pray for ones prosperity, it's very difficult. This is the way to effect it. You might be at infinite expence, and raise innumerable Armies, and yet by all your Endeavours not be able to purchase or procure so much hearty affection, as by this Course, both from them that you oblige, and others that shall hear how you have obliged them. And if you have such Returns from Men, how much will God himself reward you, not only for what you do at present; but as this Example will operate in future Ages? For if such a Riot as this shall happen (which God forbid) and those that are injured, shall give way to their Passion and Revenge, how will they Blush and be confounded, when they reflect upon this Act of Self-denial? Herby you will make your self an Infructor to Posterity, and will herein excel them, though they arrive at the highest pitch of Philosophy. For it's one thing first to begin and set such a Copy; and another, only to imitate or write after it.

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50. Whosoever therefore for the time to come, shall give any Instances of Clemency and good Nature, you will be partaker with them of the Reward: And for the present none can partake with you. If no such person there shall be, yet will all Generations Conspire to reverence your Memory, when they consider how at such time as a great City lying under Guilt, and obnoxious to Punishment, when thereat all Persons were affrighted and astonished; when the greatest Captains, Officers, and Judges stood amazed, and out of horror durst not offer one word in its behalf; one poor old Man, God Almighty his Priest, should by his looks and Access move the Emperor to respect, and that the Prince should grant that to this Old man, which he would not yield to any of those about him, out of reverence to the Laws of God. And truly in this point the Citizens have shewn their Duty to you, and how much they honour you, in that they have made me their Messenger, having this Opinion of you, that you Reverence the Priests of God, though all men be subject unto you, and the Priests considered in themselves are mean, and have nothing to recommend them. But I pretend not only to come from them, but am sent by the Common Lord of all Messengers (Angels) to declare thus much to your most mild and gentle Soul, that if you forgive men their Trespases, then will your Heavenly Father forgive you yours. Remember then that day wherein we shall give an account of our Actions. Consider with your self, that by this Act of Charity you will cover a multitude of Sins. Other Messengers bring Gold and Silver, and other Gifts with them: I only have brought with me the Holy Scriptures, pretend to make no other Presents, but therewith beseech you to imitate your own Lord and Master, who being every day injured by us yet ceaseth not to give us all good things. Do not defeat our Expectations, nor make null our Promises. If so be you will be reconciled, if you will receive the City unto your former grace and favour, and put away your displeasure, I shall then return with great Alacrity and Comfort. But if you preserve your Indignation against it, I will not only not go thither, but renounce it for the time to come; and fix my Habitation at some other place. For I will never own that for my Country or Home, with which you, who are the most merciful and good natur'd of all Men, refuse to be reconciled.

51. *Flavianus* having spoken to this Purpose, it fared with the Emperour as of old time with *Joseph*, whose Eyes were big with Tears; but he restrained himself because of the By-standers. He only spake one word (*Chrysostome* still tells us) but this word was such, as more became and adorned him, than his Dialect; viz. *What great or admirable matter is it, if we who are contumeliously used, forgive those Men who so treat us, we being Men our selves? when the Lord of the world descending from Heaven, made a servant for our sakes, and Crucified by those who received benefit by him, prayed to his Father for his Crucifiers, saying, Forgive them, for they know not what they do. What a wonderful thing is it then, if we forgive our fellow-Servants?* And that these were not feigned words, the sequel shewed; for the Bishop intending to stay and Celebrate with him the apostolic Feast of *Easter*, he compelled him to haste away and shew himself to his People. I know faith he, how disturbed they are now in their minds, and that yet there are many remainders of this Calamity; go and comfort them. If they see once the Pilot they will forget the Tempest. The Bishop desired that he would send his Son; but He willing to shew that he was absolutely reconciled, bade them pray, that those obstacles might be removed, these wars extinguished, and he would come himself without fail. Now, faith the Relator, what can be more calm and serene than this Soul? For the time to come, let the *Pagans* be confounded, or rather, not so, but let them be instructed, and leaving their Error, betake themselves to Christianity so fruitful in virtue, being taught our Philosophy by an Emperour and a Bishop. But as for the Emperour, he contented not himself with sending the Bishop away, but when he was gone out of Town, and had crossed the Sea, he sent after him for fear he should loiter, and defraud thereby the City of half of their Joy, by keeping of *Easter* in another place. The Bishop, as some greedy of praise would have done, did not neglect to send away the Joyful News till he himself should bring it, but for that he travelled more slowly, dispatched away one by Post, with Notice of their deliverance, left by reason of the slowness of his Return, their Sorrow should be continued. For he had no Design that he might bring the Tidings, but that the City might take breath again as

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soon as might be, and this they improved to all expressions of Joy, kindling " of Lights, and placing Beds before the Houses (as was wont to be practised in Feasts, when some extraordinary good thing had happened) so that *Antioch* seem- ed to Celebrate the Feast of a new and late Nativity: And to increase their Joy, their Bishop with the Pardon came timely enough to Celebrate *Easter* with them; which *Chrysostome* in another Sermon laboured to make them sensible of, as a transcendent Favour of Almighty God, in restoring the Head to the Body, the Pastor to his Flock, the Master to his Scholars, the Captain to his Soldiers, and the Bishop unto his Priests.

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52. This is the Relation made by *Chrysostome* concerning the Tumult at *Antioch*, the danger the City was in, and the manner of procuring Pardon and Indemnity; which being his Account he gave to the Citizens presently after the thing happened; and there being opportunity enough of knowing the truth or falsity thereof, and the most material passages being notoriously known; as of the Hermites their coming down, the Message undertaken by *Flavianus*; his sending a Post before him with News of the Pardon, and his bringing with him the Act of Grace it self, and the like. No indifferent Person can question the Veracity of that truly golden mouthed Orator, of whom it may justly be said, that where- as some are words without matter; others are matter without words, most nei- ther words nor matter; he was one of those few who were both matter and words together. This renders unlikely what *Severinus* writes, that *Flavianus* perfwaded the Boys that sung at the Emperors Table, to put into their Songs those Sayings which were in the Petitions of the *Antiochians*; and that *Theodosius* thereupon touched with a sense of their misery, ceased any more to be angry with them. But whereas *Baronius* will have *Libanius* to have been dead long before this time, it was because he was unacquainted with his Writings, wherein mention is made of this tumult of the *Antiochians*, particularly two Orations to *Theodosius* upon this occasion. And whereas he placeth it in the same year that *Theodosius* under- took the Expedition against the Usurper *Maximus*; others with more reason fix it in the year preceding, or that whereof we now write. For, first it happen- ed at such time as *Theodosius* resided at *Constantinople*, as several Passages testify; and the year following, he was at *Theffalonica*, as appears by several Laws. Then it hapned after the Conquest of the *Barbarians*, or *Gothings*, or rather when some few Sparks of that Invasion were still remaining, or feared to be still lurking; and after the death of *Flaccilla*; in Winter-time, before *Lent*, which was not utterly expired when the Bishop brought them their Pardon. Indeed that *Theodosius* was now preparing against *Maximus* is very probable, not being igno- rant of what Designs the Tyrant had in his Head. For towards the later end of this very year he brake into *Italy*, and fought away *Valentinian*, who fled with *Justina* his Mother, and his Sister *Galla*, to *Theodosius* into *Ilyricum*, and made his Abode at *Theffalonica*, whither *Theodosius* removed to him.

Lih. 4. p. 766.

53. For *Maximus* (as *Zosimus* hath it) not thinking he had yet got enough, or that matters had fully succeeded as he thought was suitable to his Worth and Dignity, while he only Reigned over those Nations which had formerly obeyed *Gratian*; resolved if he could, to remove *Valentinian* also out of the way, and get all his share; at least so much of it as he could come by. Overpowered by these thoughts he prepared for passing the *Alps* into *Italy*; but when he perceived that his way must lye over such steep and craggy Hills, and beyond them over Lakes and Meeres, and thereby his March be rendered very flow, with so great Forces as he purposed to take along with him, he cooled in his heat, and took more time to consider of it. *Valentinian* now from *Aquileia* sent his Ambassa- dors to treat of a better grounded and firmer Peace betwixt them, and to the conditions thereof *Maximus* seemed very willing to submit. This so well suc- ceeding, *Valentinian* sent away one *Dominus* a *Syrian*, a Person of very good Note, and one so familiar with him, that he imparted to him his most secret Af- fairs, whom *Maximus* received, and courted to a very high Degree; and after the Delivery of his Message presented him so highly, that he imagined his Master could have no better Friend. Nay, he was at so much pains and Charge to de- ceive him, that he committed part of his Army into his Hands, as for the Empe- ror's Use, to be employed by him against the *Barbarians* that infested *Pannonia*; which, as it made *Dominus* depart in a very joyful humour; so by passing the *Alps* the nearest and safest way back into *Italy*, he thereby discovered it to *Ma- ximus*, who expecting the same, and being prepared for a March, followed him

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tween him and  
Maximus.

with all his Forces, sending some Scouts before him, who should intercept all persons whatsoever that might carry News of his Approach. And this was easily enough effected, for such as passed these precipitous places could not be hid. When therefore he had the way clearly discovered by *Dominus* his passing be- low in the same Tract, both over the Mountainous and Fenny places, there being no Enemy to oppose him, he easily got over into *Italy*, and none inter- posing, led his Army towards *Aquileia*. *Valentinian* with so sudden a thing sur- prised, seemed to cast away all Hope; and his Ministers feared that *Maximus* would get him alive into his power. Therefore he presently took Ship, and Sailed to *Theffalonica*, having with him in his Company his Mother *Justina*; who had been formerly the Wife of *Magnentius*, and after his death being very beau- tiful, Married to the Emperour *Valentinian*; and the took along with her, her Daughter *Galla*. Being arrived at *Theffalonica*, they sent to *Theodosius* to intreat him that now at last he would revenge the insolent Injuries offered to all the Fa- mily of *Valentinian*.

54. Thus much *Zosimus* writes concerning the expedition of *Maximus*, and the care that *Valentinian* and those about him had to prevent that Invasion which they had so much reason to apprehend. But whereas he mentions their sending Ambassadors before *Dominus*, he either knew not, or would not mention the Embassy of *Ambrose* Bishop of *Milan*; whom, though *Justina* an *Arian* in Religi- on had much persecuted and termed a Tyrant, yet now she had recourse to him, knowing what success his first message had, when sent to allay the fury of the Usurper, the same year that he Murdered *Gratian*. He readily undertook the Employment for preventing such mischief as was like to follow, and, as in an Epistle, wherein he gives to the Emperour an Account of his Negotiation, he writes, the day after his Arrival at *Triers*, in order to his Address went to the Palace. There came forth to him an Eunuch and a Gall by Nation, the *Prepositus Cubiculi*; who when he demanded Audience, asked him if he had brought any Letters from the Emperour. He told him he had; to which he replied, that he could not be heard but in Confistory. *Ambrose* said, that Priests were not wont to be so received, and that he had something in Charge which he would gladly deliver to his Ma- ster alone: Hereupon he went in to him, but returned with the same answer that his former might be believed to be true. *Ambrose* said, that those of his Function were not wont to be so treated; yet notwithstanding he would con- descend to any thing that should conduce to the discharge of his Trust, to the service of him that sent him, and to the restoring of Brotherly love. *Maximus* hereupon sitting in Confistory, *Ambrose* was introduced; to whom he arose that he might give him the kiss. But he without stepping forward stood amongst the *Confessors*, who had him go up, and *Maximus* himself called to him: But in- stead of going, he asked him why he would offer to kiss him, whom he would not own; for had he owned him for a Person of his Condition, he would not have received him in that place. Hereat saith he, Bishop are you moved? Not, replied he, with the Injury; but with shame, that I stand in a place not proper to my Function; But quoth *Maximus*, in your former Embassy you came into the Confistory. That was not my fault, he returned, but his that sent for me. He asked him why he would then come in; and he replied, that then he came to ask Peace in behalf of an Inferiour; but now of an Equal. Who may he thank for that saith *Maximus*? Almighty God, saith *Ambrose*, who hath preserved to *Valentinian* that Kingdom which he gave him.

55. At length the Tyrant broke out into Cholera, and told him he had over- reached him as that fellow *Bauto* did, who under the pretence of serving the In- terest of the Boy, designed to set up for himself, and sent upon him the *Barba- rians*; as it saith he, I could not bring sufficient Numbers of them into the Field, of whom so many Thousands serve under me, and receive my Pay. But at what time you came to me, and held me back; who was there that could have with- stood me or my Power? *Ambrose* mildly answered, that there was no cause why he should be angry, and desired him to hear what Return he could make. He acknowledged that therefore he was now come, because in his former Embas- sy when he credited him, he said he was deceived. For, this that he had done in behalf of the young Emperour, he no otherwise could look upon, but as tending to his own Reparation. For, whom saith he, ought Bishops to defend more than the Fatherless? \* It being written, Judge the Fatherless, and plead for the Widows; and again, the Judges of Widows and Fatherless of Orphans; yet will not I up-  
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braided *Valentinian* with what I did for him. To speak the truth, how did I so withstand you, that you could not pass into *Italy*? What Rocks did I cast in your way? What Forces or Armies did I oppose? Or did I stop up the passages in the *Alps* with my Body? I wish I could say so; I would not fear your Accusations, or Reproaches. With what promises did I abuse you, to draw you into a Peace? Did not you send Count *Vitor* to me near unto *Moguntia*, *cum* in *Gall* to ask it? Wherein therefore did *Valentinian* deceive you, whom first you your self asked the question? wherein did *Bauto*, who but served his Prince? Was it because he did not betray his Master? How did I circumvent you, who at my first coming, when you demanded why *Valentinian* did not come to you as a Son to his Father; made Answer, that it was not to be imagined that a Child in the sharp season of winter should travel with his Mother over the *Alps*, and without his Mother it was not fit he should be put upon such a Journey, especially things standing so doubtfully as they did. I told you that we came to treat of Peace, and had no Commission to meddle with his Coming, which therefore I could not engage for: To this you returned, Let us stay then and see what Answer *Vitor* brings, who while I was retained with you, went to *Milan*, and received a denial to what he propounded; they agreed there to treat of Peace not of the Emperours Coming, who by no means was to be removed. I was with you when *Vitor* came back; How then did I put a stop to the Coming of *Valentinian*?

56. The Ambassadors, sent again into *Gall* to declare he should not come found me in that Country; and in my Return, I met with Soldiers of both Parties set to the Custody of the Passages. What Armies of yours did I recall? What Troops did I draw back from *Italy*? or what *Barbarians* did Count *Bauto* send? And what great matter had it been if he had so done, when you threatened the *Roman* Empire with the Auxiliaries of the *Barbarians*, and Troops that came from beyond the Borders, whom the Province maintained; especially he being born in the Parts beyond the *Rhine*? But consider what difference there was betwixt your threatening humour, and the mildness of *Valentinian* the young Emperor. You required, that with an Army of *Barbarians* you might fall into *Italy*. He diverted the *Huns* and *Alans* as they were falling into *Gall*, and drew them back through the Coasts of the *Alamans*. What great matter was it if *Bauto* engaged *Barbarians* against such as themselves? For while you seize upon the *Roman* Forces, and he on both sides is to look to himself, the *Juthungi* within the Bowels of the Empire waste *Rhetia*, and therefore against the *Juthungi* the *Huns* was to be expected. Yet because he was troublesome to *Alamania*, and began to indanger *Gall*, he was constrained to quit his Triumphs, that you might have no apprehension of Fear. Compare now the Actions of both together. You are he that caused *Rhetia* to be harassed. And *Valentinian* with his own Gold purchased you Peace and Security. Behold him there that stands at your right Hand, whom *Valentinian*, when he might easily have vented his Sorrow and Indignation upon him, yet sent back to you with respect. He had him then in his own Dominions, and even when the Message of his Brothers death was brought him, restrained himself; neither did he return to you the like; or revenge himself upon him, who was far from being of the same Dignity with his Brother, but stands in the same relation unto you. Be you now Judge your self, betwixt you both. He sent you your Brother back alive: It were to be wished you would restore to him the dead Body of his dear Relation. Why do you deny this to him, who did not deny to send you Succours against himself? But you are afraid that if you send the Body; at the sight thereof, or the Soldiers may fall into passion: for this you allege. Do you think that him, whom yet living they deserted, they would now defend, when he is slain? Why do you fear him that's dead, whom you slew when you might have preserved him? You say you slew your Enemy. No. He was none of your Enemy; but you were his. He is not now sensible of any Defence to be made for him; make the Case fully your own. If any one should now rise up against your self and usurp; I pray, whether would you call your self his Enemy, or him yours? I am mistaken, if it be not the Usurper that makes War, and the Emperor that defends himself. Do you then refuse to give up the dead body of him you ought not to have slain? Let *Valentinian* the Emperor have the Remains of his Brother, which may abide as Hostages of Peace betwixt him and you, and of your security. How could you pretend that you gave no order to kill him, whom

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whom you forbid to be buried? Will any believe that you did not envy him his life, to whom you grudge the benefit of a Sepulchre?

57. But I will forbear. I hear you complain that those who are with *Valentinian* the Emperor, have rather betaken themselves to the Emperor *Theodosius*, than to you. Could you expect it should happen otherwise, when you fought to get them into your Hands to destroy them, whereas *Theodosius* enriched them with Presents, and preferred them? Hereat, faith he, whom have I killed? *Ambrosius* answered, *Bauto*: and him that was so worthy a Person, so great a Souldier. Was this a just Excuse for putting him death, because he was faithful to his Prince? He replied, I did not command him to be put to death. *Ambrosius* added, but we heard you did; and to this he confessed, that if he had not killed himself he had ordered him to be carried to *Cabillonum*, and there to be burnt alive. This was then the Reason, said the Bishop, why it was believed that you slew him. But who can promise any security to himself, when so valiant a Warrior, so faithful a Souldier, so useful a *Comes* must be put to death? In conclusion, at parting, *Maximian* pretended that he would treat. But afterward when he found that *Ambrosius* abstained from Communion with these Bishops, that had joyined with him, and who had been for putting to death certain Hereticks (*Priscillianists* he means) being incensed by them he commanded him forthwith to be gone. And he very willingly complied with him herein, though most men believed that he could not escape those that would be to intrap him; and he began his journey, only sorrowful to find that *Hyginus* an aged Bishop was sent into Exile, when he had nothing at all left him but his miserable life. He took the pains to go to the Officers of the Tyrant, and to intreat for him, that an old man might not be hurried away without any Cloaths or so much as a Pillow to lye on; but while I interceded for him, faith he, I was hurried away my self. This is the Account of mine Embassy. Emperor farewell and secure your self more strongly against a man, who endeavours to cover and conceal an intended War under the specious vizard of a Peace. Thus much *Ambrosius* himself declares concerning what passed betwixt the Tyrant and him, and it's very remarkable for several circumstances, which else never would have been made known.

58. His Advice to *Valentinian* at the close of his Relation was good, if he had had the happiness to follow it; but instead of that, thinking by fair words to persuade him, he sent, it seems, *Dominus* to him, who being deceived by his hypocritical carriage became a Leader or Director of his Forces into *Italy*; and thereupon followed the flight of *Valentinian* and his Relations to *Theffalonia*. Thence when *Theodosius* had received their message, *Zosimus* tells you that he was amazed at the News, began a little to forget his extravagant Luxury, and remit something of his senseless prosecution of Voluptuousness. A Council being held, it was resolved that he and certain of the Senate should remove to *Theffalonia*, which being done, upon a new Consultation it was agreed, that the Villanies of *Maximian* should be punished. For by no means that man was to be spared any longer who had murdered *Gratian*, usurped his Authority, and proceeding in such courses had now deprived his Brother of that Dominion, which had been left him. *Theodosius* with these things was offended; but by reason of his natural Effeminacy, and that Sluggishness which he had all his life-time been guilty of, was slow in his preparations for the War, alleging those mischiefs which are wont to happen in civil Broils, and shewing that whatever the Success should prove, yet the Commonwealth thereby must grievously suffer. He said, that *Maximian* was first to be sent to; and if he could be prevailed with to restore the Empire to *Valentinian*, and imbrace Quiet and Repose, then was the Empire to be divided amongst them all, after the ancient manner; but in case he refused, and was governed by his rapacious Appetite, the War was to be prosecuted without delay. And of the Senators none there was that durst move any thing in opposition to what he said. But *Justina*, being an experienced woman in the Affairs of the World, and sagacious enough in what concerned her Interest, knowing sufficiently how *Theodosius* was addicted to love-matters, brought *Galla* her beautiful Daughter before him, and falling at his feet, humbly besought him not to suffer to pass unrevenged the death of *Gratian*, who had conferred the Imperial Dignity upon him, nor suffer her and her Children to lye destitute and forlorn in this sad Condition. With that she produces her Daughter weeping amain and bewailing her fortune. By these Sights *Theodosius* could not but be exceedingly moved; especially at the Beauty of the Girl, and he sufficiently betrayed his inward Thoughts; yet did he defer what

Maximus  
commanded him  
to be gone.Theodosius re-  
moves to Theffalonia.

P. 388.



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Prepared for  
War.

what was to be done, and put them off at the present with this Answer, that they should be of good courage. But his love increasing every day more and more toward the Lady, he had a conference with *Justina*, and desired her Daughter in Marriage, *Placidia* or *Flaccilla* (for so the *Romans* called her) his first Wife being already dead. She granted his Request; but upon no other terms, than that he should make War against *Maximus*, revenge the Death of *Gratian*, and restore to *Valentinian* the Empire which had descended to him from his Father. He accepted of the Conditions; thereby obtained *Galla* for his Wife, and set himself all manner of ways to provide for the War.

59. So passed over this year; and the following, being the CCCLXXXVIII. of our Lord, had for Consuls *Theodosius Augustus* the second time, and *Cynegius*; it was the first *Indiction*, and the thirteenth year of *Valentinian*. *Theodosius* having left his Son *Arcadius* at *Constantinople*, was come (as we said) to *Theſſalonica*. Now *Zosimus* further acquaints you, that, being thereto moved by the Woman, he procured the good affections of the Souldiers, by increasing their Pay; and now becoming taught by experience, he so far corrected his former sloth, that he fell upon the practice of some things, which, after his departure, would have great influence into his Affairs. *Cynegius* his *Præſectus Pretorio*, dying in his Journey from *Egypt*, when he considered whom to put in his place, and had thought upon diverse Persons, at length he found a man fit for this Charge, one *Tatianus*, whom he sent for from *Aquileia*, a Person in all respects, of singular virtue: and having ordered him the Emblems of Magistracy, he made his Son *Proculus* also *Pretor* of the City. In this matter *Zosimus* is so extravagant as to commend him, saying, he did well in bestowing these places upon such Persons as would in his Absence sufficiently provide for the good of the Subject. The Command of his Foot he gave to *Proculus*; and that of the Horse to *Timolus*; and when now all things seemed ready for the expedition, a rumour was brought that the *Barbarians*, in conjunction with the *Roman* Legions, by great promises were urged by *Maximus* to revolt. But so timely knowledge he had of it, that they having notice of his Intelligence, betook themselves into the Fens and Lakes in *Macedonia*, and hid themselves in the Fortresses thereof. Yet were some sent to hunt them out, who by one means or other brought them to destruction for the most part; so that by one means or other brought them to destruction for the most part; so that the Emperor delivered from his Fears as to this matter, set himself for his expedition. Before we bring him from *Theſſalonica*, it will not be amiss to relate how the Laws confirm what the general current of Historians affirms concerning his removal to this City. By several Subscriptions we find him there this year in the Months of *March* and *April*, at what time, while his Armies were bringing into Order, he enacted something for reformation of Abuses in Ecclesiastical and Civil matters. He received information of the cruel practices of the greater sort of Citizens of *Alexandria*, who being naturally very prone to raise Seditions and tumults, made also tyrannical towards their Neighbours, inferior to them, so as they would often apprehend and even dare to keep them Prisoners without any Authority intervening. Now, for as much as the Right of having a Prison is a Royalty not lightly communicable to other persons, *Theodosius* declares, that whoever for the time to come shall detain any accused person in a private Prison, shall be guilty of no less than the crime of Treason.

60. He committed *Justina*, with her Son and Daughter, to such as should faithfully convey them to *Rome*, being verily persuaded that the *Romans*, who hated *Maximus*, would gladly receive them; resolving himself, through the upper *Pannonia* and the *Apennine* Mountains to march for *Aquileia*, and fill up in the secure and headless Enemy. So writes *Zosimus*, and accordingly by certain Rescripts we find him at *Strobe* and *Scipia*, places of *Macedonia*, in the month of *June*. At the latter, he received a complaint how the *Curiales* of several Towns or Mansions in *Bithynia*, had by running away withdrawn themselves from these services, which were due from them to the Courts, particularly those of *Claudiopolis*, *Præſtus*, *Tatianus* and *Foris*. "He commands that by Edicts they be cited to return to their several Liberations and Charges: and in case of default, he enjoins *Tatianus*, who by this time had succeeded *Cynegius* in the Prefecture of the East, that out of other fit and convenient Bodies, and especially out of the number of his Officials or Arguants, who had well discharged their Offices, fit Persons should be chosen and put not only into the Places, but also Estates of these fugitives, who undergoing their burthens should also, the better to bear them, injoy their *Pannonic*, of which the former owners should for ever be deprived."

being

A.D.  
387.A.D.  
388.Aug. 2. C.  
Cynegio  
Cof.L. Uin. de  
vitiis  
curatibus  
colle. col.  
T. lib. 9. tit.  
11. Dat. Cynegio  
vitiis. Col.  
Mali. A. 387.  
col. Jus.He makes to  
the cities  
lib.

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Defects Maxi-  
mus at Scifia.And his Bro-  
ther Marcellus  
at Cel-  
siva.

being made incapable of returning. Of these places of *Bithynia* the two former, viz. *Claudiopolis* and *Præſtus* (formerly known by the name of *Cius*) were Towns; and the two latter, viz. *Tatianus* and *Foris* were *Mansions*, the first having been but a *Mansion* in the days of *Constantine* and *Foris* were *Mansions*; but afterwards altered to a *Mansion*, as appears by the Itinerary Tables. Hence it sufficiently appears, that there were *Curiales* or *Decuriones*, as we formerly hinted, not only in Cities and Towns but also in the greater *Mansions*, such as this *Tatianus* was: in like manner as in the greater sort of *Mansions* some Bishops had their Seats, as in the Council of *Chalcedon*, mention is made of *Helipius*, Bishop of the *Mansion*, called *Terminus*. Not this Edict alone being directed to *Tatianus*; but five more concerning this Subject of Corporations; and several Epistles being also written to him by *Libanius*; from all of these it appears, that he was much inclined to favour the common Interests of the *Curia*.

61. But, to prosecute the Expedition of *Theodosius*, He, as we said, resolved to pass the upper *Pannonia*, and the *Apennines* towards *Aquileia*. *Maximus* as soon as he could understand that *Justina* and her Children designed to cross the *Ionian* Gulf, sent, to intercept her, if possible, *Andragathus* with some Pinnaces, or other light Vessels; who, though he used his utmost Endeavour to send these persons after *Gratian*, yet missed his Purpose, they having got over before his arrival; which perceiving, he strengthened himself with the accession of many Ships, believing *Theodosius* intended to make War by conveying his Forces over the Sea. But he prosecuted his Journey towards *Pannonia* and the Straights of the *Apennines*, till upon *Maximus* his men, when they least of all expected it, and were sufficiently secure as to their condition, as they imagined. For after the Tyrant had seized upon *Aquileia*, not only all *Italy* but *Africa* all fell off to him, *Signorius* well observing that our *Gildas* writes how he extended one of his Wings to *Spain* and the other to *Italy*; and setting the Throne of his Dominion at *Trier*, raged with so great madness, that one of the Emperors he expelled from *Rome*, and another out of the World it self. But of all other *Italians*, those of *Bononia* were his time, was still to be seen at the distance of a mile from the City, whereon was *Augusti*, born for the good of the Commonwealth. Having secured, as he thought, *Italy* and *Africa* he set himself wholly to scrape up moneys for the as right maintenance of them, some say he passed over the *Julian* Alps into *Pannonia*, and having taken and there fast down. *Theodosius* having notice that there he had seated himself, hastened through *Macedonia*, and camping upon the *Savus*, when he saw a fit opportunity passed the River, and offered him Battle, which he refused not to accept, but came out of the Town. *Theodosius* his men received him so warmly, and fought with such as ran to *Scifia*, either filled the Ditches with their dead Bodies, or ran upon the sharp Stakes set upon the Walls, or stopped up with their Carcasses the Gates which they had opened at their breaking forth: as for such of them as the greatness of the River intercepted, they trembling and embracing one another, cast themselves from the Precipices into the water, and there perished; amongst whom was the Standard-bearer of the Expedition, whose body could not be found.

62. *Theodosius* having obtained this Victory, removed to *Potovia*, where *Marcellinus* the Brother of *Maximus*, opposed himself against him. He put his men into order of Battle; yet the day being far spent, thought not fit then to set upon him, but in the morning following he gave him Battle, and that with no worse Success than formerly. For, the Enemy was put to flight, such as escaped the Sword, taking into the adjoining Woods, under the coverture of the Night. Many came with their Colours, and casting them and themselves at the Feet of the Emperor begged Pardon, whom he kindly received. But *Maximus* thus twice defeated betook himself to his Heels, and with great speed came to *Aquileia*, whom *Theodosius* followed well nigh with as much haste. *Hiemna* the first City at the foot of the *Alps*, as one enters *Italy*, yielded to him; the Inhabitants thereof issuing forth to meet him in a Triumphant manner, for being delivered by his presence from the Siege, which *Maximus* had laid unto them. They came out Dancing, and with Music of several sorts. The Nobility or Chief of the Town appeared before the Gates, the Senators in their Habits, the Flamines in their Municipal Purple, the Priests in their Caps; the Gates were set with Garlands, the

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Zosimus p. 770.

De Occid. im-  
perio. lib. 9.  
p. 206.partum in  
Pangric. de  
377.  
Streets

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Follows Maximus to Aquileia.

Who is delivered up by his men.

And put to death.

Zosimus his malice to Theodosius in this Story.

The Favourite Account given by Pacatus the Panegyrist.

Streets adorned with the choicest Hangings, and the light of the day was increased by the Fires that were kindled, so that *Theodosius* seemed already to triumph, before he had completed the War. But being intent upon this, he followed *Maximus* to close at the Heels, that by a great and fore March, he reached *Aquileia* in one day, and as soon as there arrived laid siege to the City. *Maximus* perceiving how unable he was to endure the shock, despaired of making resistance, and in a manner seemed to quit that power which he had so Tyrannically usurped; which his men perceiving, to provide for themselves before the taking of the place, they laid Hands on him as he was debributing Money amongst them, and being despoiled of the Imperial Ornaments, led him bound to *Theodosius*. He, when he saw him, demanded with what confidence he could enter upon the Civil War, to which he answered, that he pretended he had his consent and favour in his Usurpation; for except he had feigned himself advised thereto by him, he could never have drawn the Souldiers to his party. Hereat *Theodosius* was angry, yet did not condemn him to any cruel punishment; but holding down his Head and blushing, on the contrary, uttered words full of mercy towards so horrible an Offender. But when those about him perceived it, they took away *Maximus* out of his sight, and at three miles distance from the City, cut off his Head, towards the later end of *August*; though as to the very day there be some difference amongst the Writers of the story.

63. Such was the deserved end of *Maximus*, even as *Zosimus* observes, who, though he tell the substance of the Story right, yet can let no action of *Theodosius* pass without fixing something to it that may hurt, at least, his Fame and Reputation. Though he can instance in no Act which might denominate him to be debauched, effeminate and sluggish as he makes him, nor could hope, that, his Wars and many Achievements considered, he could make his Reader believe, he was wholly given up to Idleness; yet he will lessen his valiant performances as much as possible; and because the End and the Design gives the stamp to any Moral Action, he would have it believed that not any noble motive provoked him to undertake the War against the Tyrant, not any kindness or compassion towards *Valentinian*; but kindness to his Sister *Galla*, and compassion toward himself, he being so desperately inamoured of her, that to allay his passion and quiet his restless Appetite, he condescended to the Expedition, and was content to raise one Civil War to suppress another more intestine, to kindle one flame that he might quench another more destructive to himself. But it happens so unluckily for *Zosimus* his purpose, that *Marcellinus*, a Chronologer of these times placeth the Marriage of *Theodosius* and *Galla* in the preceding year, and all other Historians of this Age attribute it to the goodness of his Nature, and kindness to *Valentinian*, from whom, after he had recovered his Empire, for him he took nothing, but left it intire to him, as at the first. If we may hear what *Pacatus* the Panegyrist saith of this performance, the motive and the manner of it (and why not a Friend as well as an Enemy?) We shall have far other thoughts of the Temper and Disposition of this Prince. He having declared what mischief befell his Country of *Gaul*, from the Cruelty and Rapacity of the Tyrant, adds, "That at length God was pleased to look upon them, and being intent upon the good of the *East*, to think of their miseries, and to strike this Villain with madness, so that he broke the League, violated the Law of Arms, and feared not to denounce a War. Can I saith he, imagine it came but by Providence, that he who might have cunningly dissembled under the name of Peace, and by lying quiet might have escaped the punishment of his former wickedness, should erect a second and third Standard of civil robbery, and having passed the *Cottian Alps*, open also the Streights of the *Julian*, and impose upon you, O Emperor, though you were true to the Faith you had given him of pardoning what was past, a necessity of overcoming him? The Commonwealth whose Avenger was now at Hand drove him headlong; and its Lord, who had been openly murdered, now required satisfaction by his punishment. It was not Confidence but Madness, not Rashness, but a kind of Necessity arising from that madness: neither did he provoke you by War, but could not any longer refuse to submit to Justice.

64. How could he otherwise, have been so audacious, that, being so sluggish, and fearful of death as he was, he should rush upon the Sword and meet it in the face? He, who when he was even overcome, had not the courage to kill himself? And you, truly, for asserting the Interest of the Commonwealth, and obtaining the victory, needed not but to have come alone to the War. For, if in

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Jus sociale violatur.

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old time, when Lords (he means the *Scythians*) were to fight with their Slaves went against them furnished with no other weapons than Whips in their Hands, and so great was the force and power of Conscience, that those that were armed at all convenient points, were overthrown by them that were naked, and such as offered at first their breasts to wounds, at length subjected their backs to Scourges; why then might not you, merely by showing your self have put an end to the Controversie, without the Legions? Then, after a comparison made betwixt the Nobility and Benefice, the Virtue and Flagitious Wickedness of the Prince and Tyrant; he further tells him, "That though he had such an Adversary to deal with, and came down not so much to fight with an Enemy, as to bring a Rogue to his deserved punishment, yet he had gone as actively to work, as if he had had to do with some *Perseus*, *Pyrrhus* or *Humibul* himself. For in the first place he had secured the fidelity of those Kings who lay upon the Eastern Borders, by a new League on both sides confirmed; that, being secure from abroad, he might leave nothing in a dubious posture at home. In the next, he divided his Forces into three parts, the better to make the Enemy sensible of his Danger, and to prevent his flight. In the last, to such Nations of the Barbarians as voluntarily offered their assistance, and vowed to stand by him, he committed the work of fellow-souldiers, thereby to draw them off from the Borders, where they were most suspected; and to procure Supplies for his Army: This Condescension once known, all the *Scythians* flocked out in such Swarms, that he might seem to have enjoined that Raising of men to the *Barbarians*, which he had remitted to his own subjects. Now did the Enemy of the *Romans* march under the *Roman* Captains and Ensigns, and followed those Standards which formerly he had stood against; Now did the Souldier fill those Garisons of *Pannonia* which he had formerly dismantled. The *Goths*, the *Huns* and *Alans* answered to his Name, stood Sentinel in his Turn, and was afraid to be absent when he was called. From the *Barbarians* themselves now proceeded no tumult, no confusion or plundering; for if Provisions were scant they patiently endured it; and though Corn, through their numbers was rightly judged to be defective, yet by their parsimony they rendered it abundant; requiring no other Wages or Reward, but that they might be esteemed and called *Towns*. How great is that Ambition which proceeds from Virtue. You received a kindness, but such an one, in such a manner, and with such a Design, that you might acknowledge that you had received it.

65. After many other things spoken ingenuously in a Panegyric way, of which we shall here take no notice, in commending the goodness of *Theodosius* his disposition and the Clemency of his nature, he presseth something that we must needs observe, viz. his so noble using of the Victory. "He denies not but that the effects of his valour might be by the Pencils of Artificers, commended to the eyes of posterity, as his Passing the tops of the Alps, Swimming over the Rivers, or Overthrowing his Enemies in Battle: the description of these Achievements might be effected both by Painters and Statuaries. But in what Air, with what Colours, in what Brass or Gold shall these Lines be drawn, he demands, where, by the Emperor must be described so far a Victor of Victory it self, that together with his Arms he laid aside all displeasure; inasmuch that not after the War, no not after *Maximus* any were punished. For, excepting a few Moors, which, as an Infernal Troop, he now about to dye, had shut up with himself, and two or three which as so many Fencers of this furious Gladiator were slain, to expiate the Offence, Pardon was granted to all others whatsoever, and an Amnesty secured them as it were in a Mothers Lap: the Estates of none were fet to Sale, no man was deprived of his Liberty; no not so much as degraded from any Honour he formerly had enjoyed. Not any mark or distinction was set upon any man, not one reproached or reprehended, suffered any punishment as much as by hearing one unacceptable word. All Persons were restored to their Houses, all to their Wives, and (what is more contenting) all to their Innocences. He bids the Emperor consider what he had procured by this clemency, viz. that he being Conqueror no man esteemed himself conquered. And he tells *Rome*, that the from her seven Hills beheld this, and though high before in her sevenfold munitions, yet at this sight was more elevated by Joy: the which formerly had experimented the furies of *Cynna*, the cruelty of *Marius* after banishment; had felt the fidelity of *Sulla* in her own overthrows, and the mercies of *Cesar* to such as were already dead; that she trembled at the noise of every triumph which sounded to civil discords; which, besides the slaughter of Souldiers, that she lost as well on the

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one side as the other, at home had seen the eyes, as it were, of her *Senate* put out, "A.D. 388.  
the heads of her *Consuls* fixed on Poles, her *Cato's* constrained to die, her *Cicero's* be-  
headed and mangled, and had wept, as at all these Sights, so to see her *Pompey's* lie  
unburied; she to whom the fury of her divided Citizens had wrought more inju-  
ry than the *Carthaginian* at the Gates, or the *Gall* received within the Walls, to  
whom *Romania* had been more deadly than the *Allian* Day, *Collins* more dire-  
ful than *Canne*, having left in her so deep Scars, that she, who ever felt her own va-  
lour more heavy upon her than that of others, feared nothing so much as her own  
self. But she now had seen a Civil War ended with the slaughter of her Enemies,  
peace to the Soldiers, the recovery of *Italy*, and with her own liberty. In Conclu-  
sion, she had seen such a Civil War brought to Conclusion, as to which she might  
justly decree a triumph. This *Pacatus* uttered, being at *Rome*, whither *Theodosius*  
went shortly after the Victory, as we shall see anon.

66. To what he saith, in reference to breaking the League and the Law of  
Nations. We may add what *St. Ambrose* relates concerning the fallens of *Maxi-  
mus* to *Valentinian*, whom he advised not to trust him; for that he concealed  
but war in a Cover of Peace. And we may also take in what *Socrates* writes,  
that *Maximus* sent Ambassadors to *Theodosius*; but he neither admitted nor re-  
jected them, and yet grieved to see the Empire of the *Romans* oppressed with  
Tyranny under the Vizard of an Imperial Title, but at his going to *Thessalonica*  
neither made Show of being on the one side nor the other: yet gathering a great  
power of Men together, he hastened to *Milan*, at which City *Maximus* was be-  
fore arrived. But as *Maximus* broke the League, it cannot be laid to the Charge  
of *Theodosius*, that he did so with him. For as it must not be denied, that he yield-  
ed him the Title of Emperor, and admitted of the Erection of his Statues, so it is  
to be taken for granted that *Valentinian* the young Prince was comprized in the  
Agreement, for whose sake *Theodosius* was glad to bear with the Tyrant that he  
might not, having such Advantages, make Use of them and swallow him up.  
And yet he could not but be aware of his Ambitious Designs, and discover more  
of his Temper; and if he, as *Zosimus* says, provided for management of a War  
against him, the Sequel shewed that his Fears that he would renew his Parricide  
and Usurpation upon the other Brother; were but too well grounded. For his  
Calmeness and Clemency in using his good Fortune moderately, *St. Ambrose* in  
a few words, as one observes, comprizeth many things when he saith that the ve-  
ry Daughters of his Enemy he had recalled out of Confinement, and committed  
to a kinsman of theirs to be maintained; and to his mother had sent money out of  
his own Purse: moreover at the Intercession of the said Bishop, he had deliv-  
ered many from Exile; many out of Prison; and many from the imminent dan-  
ger of Death. And herein further appears his Christian Abstinence and moderati-  
on, that having by destruction of the Tyrant, not only freed *Italy*, which was the  
portion of *Valentinian*; but moreover recovered *Gall*, *Spain*, and *Brittain*, which  
he had seized and held ever since the Death of *Gratian*, yet did he not touch  
these Provinces so as to pretend to any Sovereignty to them by way of Conquest;  
no not so much as to divide them betwixt *Valentinian* and himself; but quitted  
and relinquished them to him, having staid so long in these parts till he could referre  
his Interest and reduce all things into their former methods.

How Pacatus  
is to be un-  
derstood.

67. But whereas *Pacatus* speaks of *Theodosius* his degrading none for their  
former Honours, it must not be understood as if he confirmed what ever *Maxi-  
mus* had pretended to do in the Advancement of any to dignities under himself  
during his Usurpation; but of such as had in former times been received. For it  
had been a notable Incouragement to Rebellion and Usurpation, had the Rewards  
of joyning in Treason, granted to his fellow Rebels by the Usurper, been con-  
firmed afterward by the Conquering and lawful Prince. So far was *Theodosius*  
from transgressing the right Rules of true Government in this kind, that having  
subdued *Maximus*, on the two and twentieth of *October* he gave out an Edict  
at *Aquileia*, forbidding that any should dare to assume to himself any Honour,  
which the Audaciousness of the Tyrant had granted; but that such presumption  
should be recalled to its former Condition. And because, for partiality, and out  
of Faction many doublets had been oppressed, as well loyal Subjects ruined, as  
Traitors preferred, upon such a Turn in the Common-wealth, by another Law  
dated at *Milan* (whither he removed shortly after) on the tenth of *October*, he  
commands that all such designed and injurious judgments be revoked, as had been  
promulgated by him, whom he termes *Insundissimus Tyrannorum*. These Laws  
concerned

L. 6. de in-  
fando lat. 7. de  
fid. Tyrann.  
Cod. Th.L. 7. de  
tit.

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concerned *Italy* where they were made, and that we may speak to this matter all  
at once, as he directed them to *Trifolius Prefect of Italy*; so on the fourteenth of  
*January* following, he inscribed another Constitution to *Constantinus the Prefect*  
of *Gall*, whereby he also ordains, that all, who being promoted through the  
Usurpation of the Tyrant, had received the unlawful Title of any Dignity,  
shall produce and give in all such Letters or Cédicils. Moreover, all such  
Sentences and Decrees of those, who never having been Lawful Judges could  
not justly pronounce, he commands to be abolished and taken from amongst  
the Records, that their Authority being nulled, none may offer to rely upon  
them, which time had obliterated with their Author. He excepts only such  
matters as had been transacted by agreement and Consent of the parties, provi-  
ded no fraud or Constraint in them appeared. And to these he adds, *Donati-  
ons*, *Emancipations*, and *Manumissions*, in all which, he saith, it was sufficient  
to have willed them. But this was after the death of *Victor*, a Boy, the son  
of *Maximus*, to whom he had given the Title of *Augustus*, and left him at  
*Trier*, to the Charge and Defence of *Nannienus* and *Quintinus* the *Magistri Mi-  
litum*; of whose Carriage in *Gall* during the late Revolutions in *Italy*, something  
here is to be added.

Motions in  
in Gall during  
the late Revo-  
lutions in I-  
taly.

68. While *Maximus* lay besieged within *Aquileia*, the *Franky* under the  
leading of *Genobald*, *Marcomere* and *Suno* passed over the *Rhine*, and invaded  
the lower *Germany*; many persons they slew, and waisting the fertile Country  
adjoining, struck great terror also into *Colein*, *Nannienus* and *Quintinus*, to whom  
*Maximus* had committed the Care of the Country, as well as his Son, hearing  
of their Motions, marched presently with an Army to *Colein*, where they found  
that such as were loaded with Booty, had repassed the *Rhine*, into their own  
Country, and the rest were fill in the *Roman* Territories, and had renewed  
their Depredations. On these Rovers they fell, at a place called *Carbonaria*, and  
destroyed most of them, and then was it debated betwixt the two Generals,  
whether they should invade *France*. *Nannienus* was utterly against it, and re-  
turned to *Magintiacum*, but *Quintinus* with his Forces, passed the River at a  
Castle called *Nivisum*, where Coasting down by the Rivers side he found many  
Villages and poor stragling Houles void of Inhabitants; for the People pretend-  
ing Flight, had beaken themselves into more remote Woods and Fens; having  
stopped up the Passages, as they would have it believed, with the trunks of  
trees. *Quintinus* having burnt all the Houles, kept his Men in Arms all the  
Night, and then by break of Day, passing into the Wood, wandered about, and  
intangled himself in the Thickets, and By-ways till Noon, and had opportunity  
enough to view the several Quarters thereof. But he found them, to his small  
Contentment, Fortified with strong Hedges and Fences on every side; and  
therefore was forced to get out into the Champion adjoining to the Woods  
Endeavouring to do this, the Enemy appeared, though in no great Numbers, on  
the Boughes or Bodies of Trees joyned together, and as from so many Towers  
annoyed his Men with showers of Arrows, envenomed with the deadly Juice of  
Herbs; so that though they did but pierce the Skin without violating any princi-  
pal part, yet the Wounds proved mortal. The Numbers of the *Franky* in-  
creasing so, that the Army was bect with them; it got out into the Plains, and  
that with great contentment, though the Enemy on design had left them free to  
their Access. But the Horse gladly making Use of the Advantage they had of  
first cleaving, as they imagined, found only a swifter passage out of the World,  
being swallowed up in the Bogs; wherein the Bodies of Men and Horses together,  
intangled, and sunk one another, by their Struggling. The Foot having ventu-  
red far enough to find the place impassable, retired into the Woods in a trem-  
bling Posture. The whole Party being thus disordered and defeated, *Heracius*  
the Tribune of the *Jovians*, and almost all others who had any Command, were  
Killed; and but few escaped by the obscurity of the Night; and the Assistance  
that the Woods afforded.

Siegwin de  
Orcia, imperia.  
lib. 9.Quintinus re-  
ceives a De-  
feat in the  
Country of  
the Franky.After the Son  
of Maximus  
slain.

69. But *Maximus* the Tyrant being slain, as we said, *Valentinian* sent *Arba-  
gaster* his *Magister Militum* into *Gall*, for the suppression of *Victor* his Son, and  
in the rooms of *Nannienus* and *Quintinus*, he put *Caryette* & *Syrus*. The Design  
was accomplished without any great Contest: For *Victor* in the first Attempt  
was defeated, taken, and slain. All *Gallia* was recovered to obedience, and *Caryette*  
and *Syrus*, having nothing else to do, went and showed themselves with their  
Forces against the *Franky* on this side the *Rhine*. News hereof, *Zosimus* tells  
us

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us, coming to the Ears of *Andreagathius*, who Cruised now with his Ships to and again upon the *Ionian* Bay, he knowing he was feverly to be Treated (for his Murdering *Gratius*) would not expect the coming of the Enemy, but punished himself by leaping into the Sea, which he chose to trust, rather than his greatest Adversaries. And this *Historian* further is pleased to add, that *Theodolus* delivered over to *Valentinian* all that Empire which had been held by his Father, which seemed congruous to those good offices he had received from their Family. Such things as were Choice and pollished by the followers of *Maximus* he bestowed amongst his own Men : and permitted *Valentinian* to dispose of the Affairs of *Italy, Gall* and other parts of his Empire, his Mother being present and afflicting him ; supplying also what was defective in him, by reason of his Youth, with such Prudence and Skill, as her Sex afforded her. Then talks he of *Theodosius* his return to *Theffalonica*, as if he presently quitted the Western parts and would not intermeddle in the Settlement of what he had lately recovered ; whereas he remained in these parts for three years, after the Overthrow of *Maximus*, or near thereabouts ; and employed most of his time in the right Establishment of the Interest of these Quarters.

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3 8 8.

The Emperors command that Metals for making of Arms be paid in to the Forge in kind.

70. Having had so much occasion to make Use of Arms this year, and thereby to find what Inconvenience lay in the ordinary method of furnishing them, the two Emperours now constantly lying together, concluded of a course of Reformation. And this was to discourage and disown that Custome which for some Reasons in other times had been of force, whereby the *Provincials*, instead of other Metal, were permitted to find Money. The only design of the State was, to be furnished with convenient Weapons; but the *Fabricacens* receiving money from the *Provincials*, who were to finde Metals for this purpose, satisfied themselves with the Oare of such Mines as were no whit proper, but which upon Tryal in the Forge, was wont to fly and break in pieces. *Theodosius* therefore, and *Valentinian*, to prevent such Frauds, Command that for the time to come in all Ages, it be held for a Law, that the Forges be served in *Specie* and not in Money; and that out of the Noble Veins of the Earth; particularly in such Metal as will readily Melt, and not lye and multiply, like Drofs, in the Fire. In like manner, several Emperours Commanded that Tributes should be paid in kinde, though sometimes other Princes, reason of State requiring, allowed of the taking of Money. In particular, the Inhabitants of the Mountain *Taurus*, by reason of the Excellency of the Iron which was found in their Territories, were obnoxious to this Collation. Because this Law respects the Metal of Iron, therefore it is directed to *Tatianus* the *Præfatus Prætorio* of the East, the Tribute whereof belonged to his Cognifances; whereas, had it properly related to the Forges, or the Management thereof; it had been directed to the *Magister Officiorum*.

L. 2. de Fabri-  
censibus Cod.  
Tb. lib. 10.  
tit. 22. & l. 1.  
Cod. Just. 10d.  
Dat. 15. Cal.  
Nov.

*Theodosius re-  
fuses to take  
any thing gi-  
ven him in  
Codicills.*

71. The year then next followed, was the CCCLXXXIX of our Lord, and had for Confuls *Fl. Timasius* and *Fl.* (for at this time *Flavianus* was the General *Proconsul*) *Promotus* for *Confuls.*: it was the fourteenth of *Valentinian* the second, and the second Indiction. *Præfatus* *Prætorio* of the *East* *Tatianus* still continued; one *Constantianus* held that Office in *Gall;* and in *Italy* *Tryphidius. Albinus* was *Præfatus* of *Rome*, and *Proculus* the Son of *Tatius*, of *Constantinople*. After the Defeat of *Maximian*, the two Emperours made their abode at *Milan* till towards the beginning of *June*, where, besides what they Enacted for repealing and nulling such things as had been done by the Tyrant, they: thought fit to make other Laws for the good Government of the State, and the promotion of Justice. Though they now resided at *Milan*, yet *Rome* was in their Eye, whither ere long they resolved to go; and very probable it is, that that City had been Faithful and Loyal to *Valentinian*, during the late usurpation, as far as the Nature of the Times would permit. For, being solicited in behalf of the *Decurie* or certain Colleges or Bodies belonging to it, He (or they) takes occasion to declare, that he will suffer nothing to be lost of any privilege or Indulgence granted to the *Eternal City*. But will so far maintain all its ancient Privileges as to be ready to grant any new favours; if reason shall require it. In particular therefore, whereas the *Decuriales* of *Rome* were, from old time wont to be supplied with two out of each City of the Province, he will for their Defence have the same Orders observed as were granted by himself or Predecessors. And if any one would pretend that the Person was not such, as to whom such privileges did belong, the matter should be tried and decided before the Judge of the *Decuria* himself. As we have formerly said, there were various *Decur-*

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Timatio  
& Promo-  
to Coss.

L. 3. de Decretis  
viii Urbis Ro-  
mae Cod. Th.  
lib. 14. tit. 1  
Dat. ad Triso-  
lium Ps. P.  
14. Kal. Febr.  
Ejus pars max-  
ima abist à  
Cod. Just.

*Valentinian*  
makes a Law  
in behalf of  
the *Dicuria*  
of *Rome*.

## Chap.II.

Sect. 4

ria in Rome, as of the *Librarii, Fideles* and *Consules*, and so also in the Cities and *Municipia*, as of *Librarii* and *Scribes*, who wrote for such as were in Law, or upon other occasions. But of those of the (principal) Cities of Provinces, we find here, what no where else occurs, and that two were wont, and that of old time to be sent up to *Rome*, like as the *Senate* and other places of Repute and Trust were Communicated to those of the Provinces, either, that by virtue of this Communion betwixt *City* and *Country*, the *People* and *Senate* of *Rome* might have a just Account of what was done in the *Provinces*, or that the *Provinces*, when they came to *Rome* upon Business, might have such as they could resort to; or for both these Reasons; in like manner as the Companies of *Rome* had their peculiar *Defensors*, so had these their Judges in Case any denied one of them to be a *Decurialis*, or would object any thing against the Immunities he enjoyed; but whether this Judg was to determine the matter Solely, or refer to the Court, to the *Præfēt* of the City, or the *Præfēt* *Prætorio*, to whom the Law is directed, doth not evidently appear. However, had it not been for this Law, we had known nothing of these Particulars.

72. This may be more peculiarly ascribed to *Valentinian*, because directed to the *Præfect* of *Italy*, and for thelike Reason, as well as for others, the next we find made in order of time, or but four days after, we must judge to have been Enacted by *Theodosius*, though mutual assistance (especially in the former) they might contribute each to other. By the antient Law of the *Romans*, the Emperour might be made Heir, or have Legacies bequeathed them, as well as private Men, by Codicils or Letters, as well as Testaments. Nay, in some difficult times, Testators were glad, if not forced to do it. But whereas Princes were said to be above the Laws, herein *Theodosius* shewed an extraordinary Example of Humanity and Self-denial, in that he refused the Benefit thereby allowed to other Persons. By a Constitution directed to *Proculus* the *Præfect* of *Constantinople*, he declares that he will not admit any thing left to him, or his near Relations, by any Codicils or Epistles, though he will have the Right and Custome to continue amongst private Persons; but leaves it to fall as it would have done to the Children, or next Kindred of the Deceased. By his Relations, he doth not mean his Slaves for Freedmen, nor his Friends as some have imagined, but his wife *Galla*, (not *Flaccilla* as *Gothofred* instantane by mistake, she being now dead) his Daughters *Galla* and *Placidia*, and his two Sons *Arcadius* and *Honorius*. Now the Reason why he rejects any thing thus left by *Fidecommiffary* Codicils or Letters, is, because those Instruments were less solemn, than were Testaments, and therefore Fraud might more easily be committed, It's true, the matter might be discovered by Torture, yet however, because they were subject to Fraud, therefore he disclaims all Benefit that might from them accrue to him or his. But where the Solemnity was greater and the certainty more clear, as in Testaments, then he rejects not what should freely be given him by any. However, the goodness of *Theodosius* was so remarkable herein, that *Symmachus*, of whom we have made so much mention, extols it to admiration, in an Epistle written to *Flavianus* his Brother, as he calls him, sometime *Præfect* *Prætorio* of *Illyricum* and *Italy*.

L. 2. de Testam.  
& Codicillis.  
Cod. Tb. lib. 4.  
tit. 4. Dat.  
10. Kal. Febr.  
Abist à Cod.  
Just. potissimâ  
suâ parte.

His Law in general, especially this extolled by *Symmachus*.

73. Having with my pen, faith he, ran through the Commendations which our Lord Theodofus deserves, both for his Government in War and Peace, (for I confess I have rather touched at them, than handled any particular according to its Importance) to the matters relating to Peace, I have added his Laws, which, as I know they have taken off all Admiration from such as were Enacted before his time, so I do not think that they have left place for the like Reputation to any that shall be made after them. Especially this new Sanction concerning *Fidei Commissa*, and the Profits arising from *Codicills* being for ever rejected by the best of Princes, so much in Renown exceeds the lustre of what has been done before, as it is more Noble and Excellent for a Governour to lay a restraint upon himself, than other Persons. And it's my Wish, that the Avarice of private men may understand the meaning of the Law-maker, and from his Laws frame good Manners to themselves. 'For it's not to be doubted, what he would have other Persons to do, who first of all abhorred those profits which he knew to be suspected. But I am afraid, that the Covetousness of bad men, will think this profit that he has rejected to be for their own turne, and the Cause of Innocent Persons will be redressed worse, if those only may have occasion of fraud, who neither from Law nor Shame have any Restraint upon them. Therefore seeing that the Emperours themselves are more tied up, let their condition work as a Legal Medicine upon the

Lib. 2. Ep. 13.

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the depraved Desires of private men. Ancient Constitutions, the vigour whereof fell with the Makers of them, are become of no efficacy with guilty persons. Therefore is so much severity to be added as may fix and ballance the Increase of Naughtiness. Otherwise if the greater Number receive no amendment, in vain doth the Emperour alone, whose Goodness and Integrity was always remarkable, bind himself to what is just by severe Decrees. Here *Symmachus* concerns himself for having the Subject to imitate the Goodness of the Prince. For though he binds himself by this Law, yet he leaves it free to others to receive any Enolument left them by these *Codicills* or *Letters*; yet so, that if there be any Contravention moved concerning the truth and validity of the Writing, whether the Action be Criminal or Civil, (for either it might be) the Proof of the truth thereof shall lie upon him that produceth it, or is to receive benefit by it. Otherwise in Law the presumption lies for the Writing, and he that Sues is to prove the Forgery; and if, in other Cases, the Defendant be put to prove in a Suit of Forgery, yet is he not in the first place as here, or alone, to do it. But thus we see some Excellent Princes have not only been pleased to equal themselves with their meanest Subjects, as to Privilege in Law, but even restrain and put stricter Obligations upon their own Persons, and their nearest Relations. In former times they challenged nothing due from an Imperfect Testament, nor by any naked Promise or rash Offer, no more than private Persons. *Constantine* affirms the Causes of private men to be of more Consequence to him than the Defence of the Treasury; something suitable to what *Pliny* affirms, *The Cause of the Exchequer never to be had but under a good Prince*. And *Capitolinus* writes of *Marcus Antoninus*. That he never favoured it in matters relating to Profit. Moreover *Augustus*, *Tiberius* and *Adrian* refused to take any thing by virtue of the Testament of an unknown Person. However, in such Matters as these relating to good Government, the Prince is to consult his Prudence as well as his goodness of Nature; for without Treasure can be no discharge of publick Service. Where he may do it, it's his Duty to be Indulgent, the Safety and comfort of good People being the End of Government; but necessary Expenses must be defrayed by lawful Means. Therefore we cannot but in Charity think *Justinian* governed by this sentiment, and urged by the like occasions, when he suppressed this Law, and approved and preferred such former as allowed of the Prince his receiving Benefit by *Codicills*, and *Epistles*.

74. *Valentinian* not long after concerned himself in Estates, not left by *Will*, *Codicill* or *Epistle*; but such as should descend from an *Intestate*. By the ancient Law of the *Romans*, as well that of the twelve Tables as *Prætorian*, in Succession no regard at all was had of the *Cognati*. For the *Decemviri*, and those that came after them, being concerned for the Dignity and Propagation of *Families*, designed the Succession to belong to those alone who were of the same Stock and House. Therefore Grandsons (as we call them) or Nephews by the Daughter, being not of the same Stock or Family, but Branches issuing from another Root, though by a Cien ingrafted, could not succeed their Mothers Father, but only their Father, or Grandfather, by the Fathers side, or other Ancestors, in whose power they were till Emancipated. For the Daughter propagating only the Family into which the married, and not that of her Father, her Children were excluded not only by the Sons and Daughters of the Deceased, but also by those they called *Agnati*, which were Kindred by Persons of the Masculine Sex, as born together or Connate with the Father. Such were Sons of the same Father, their Uncle, or the Fathers Brother, the Sons of Brothers, and the like. After this manner was the Right of Representation introduced, the Law admitting Nephews by the Son, with their Uncles and Aunts, to Succession, or for so much as their Father himself should have been admitted to. But *Valentinian* concerning the Nephews by Daughters to have too hard measure in this Point, now ordained, "That in case a Man died and left Sons, and Nephews by a Daughter, these Nephews, if the was dead, should receive two Parts of three of so much as the should have received amongst her Brothers; and the third should fall to the Brothers and Sisters of her that was dead, being the Uncles and Aunts of the Nephews. But in case one so dying left no Sons, but only Nephews by a Daughter, and such *Agnati*, or Kindred, as we formerly mentioned, which by the Old Law were preferred before such Nephews; he ordains; That only a fourth part of the Inheritance shall go to such *Agnati*, and the Nephews obtain the rest. And what he thus Ordains concerning the Estate of a Grandfather by the Mother, he extends to that of a Grandmother either by the Fathers or the Mothers side; there being the same Equity and Reason, as he saith, except such Nephews had been

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Valentinian  
concerns him-  
self for the  
Succession of  
Grandchild-  
ren by  
Daughters.

4. Cod. Th.  
de legitimis  
hereditat.  
Dat. 5. Keph.  
Mart. Mediol.  
de L. 9. Cod.  
Th. de iust. et  
legitim. filie  
a. Triennio  
a. mortuato.  
Fidei Jph. Te-  
stator. de he-  
reditat. que ab  
Intestate. Cod.  
15. de 12.

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been disinherited by their Mother; for in such Case being cut off from Succession to their Mother, they were also cut off from any benefit they could have of Representation. But further, as by the Laws of the *Romans*, If Parents made their Wills, and either passed by their Children, or disinherited them without a Cause, notwithstanding the Will, yet such Children had their Action at Law, whereby they might recover their legal share of the Inheritance; so in case these Nephews were passed by, by any of these their Relations, Grandfathers, or Grandmothers, in the same manner, he leaves them in the same way to prosecute their just Claims to their shares in their Estates, which they might recover by way of Representation of their Mother: But if the was either disinherited by her Parents justly, or they, her Children by her, then did the Right of Representation fail; and to nothing could they Succeed. Such Provision did *Valentinian* make for those for whom the Ancient Law did nothing provide, which though good in comparison of their former Condition, yet still seemed very scant, part of what fell to the Mothers share being yet appropriated to others. Therefore in case the Grandfather designed them their entire share, there was necessity for *Codicills* or a *Testament* to be drawn, to convey the Estate to them in a certain Forme. And *Justinian* afterward more enlarged the Right of these Nephews by the Daughter; first, by taking away all the Right of the *Agnati* their coming in for a tenth part; and afterwards by cutting off the Uncles and Aunts from their Share of what formerly they recovered of their Sisters part. Thus was that great Concern, which the Old Civil Law had for Families regulated and lessened by the Confidences of later Princes. But after the Laws of the *Lombards*, or those we call *Fendatory* came to be in force in the West; few are so little sighted but may take notice, how Lands have been limited most commonly to the Eldest Son; or so as the Services due to the Lords might best be performed.

75. But by this time, not only the Noise of the Destruction of the Tyrant *Maximian*; but also of the Defeat and Death of his Son *Vilitor*, and the intire finishing of that Civil Dissention, might arrive in the *Eastern* Parts of the Empire. Therefore *Theodosius*, to prevent such Abuses as we formerly mentioned to have happened upon the coming of such Tidings, by an Edict sent to *Tatianus*, renewed the Law he had formerly made, whereby he decreed, That nothing should be Excepted from the *Provincials* in the way of Congratulation. By reason of Senators their too highly valuing themselves, and esteeming their Order too great to receive any Assistance or Protection from Inferior Persons, it came to be a Question amongst them at this time, whether to Pupils, and such as were Adult, though under Age, of this Senatorian Rank, Tutors and Curators might be assigned from amongst those of Inferior Condition. *Theodosius* was Consulted and Concerned in the Matter, so far as to publish a Constitution for Determination and Settlement of it. "He Ordains for quieting of all Animosities, That the *Præfets* of *Constantinople* (for to *Præfets* the Son of *Tatian*, the Edict is directed) take to him Ten Senators for his Assistants, together with their *Pretor* called *Pretor Talaris*, (to whom belonged these Matters of *Guardianship*) and with them, their advice and Consent concerning, appoint Tutors and Curators to them as he should see cause. Indeed of Old Time it belonged to the *Præfets* of the City to assign these Guardians; but as in Old Time in certain Cases the *Pretor* at *Rome* had Ten Men to assist him; and as the *Pretor*, assisted by the major part of the *Tribuni Plebis*, who were Ten in Number, formerly discharged this Trust, so *Theodosius* thinks fit to add these Ten Persons to the *Præfets*. And not only them, but the *Pretor*, called *Pretor Talaris*; for as in Old Time there was a *Pretor*, which especially concerning himself about Liberty, (bestowed on Slaves) had thence the Title of *Pretor Liberator*; so also *Marcus Antoninus* the Emperour Intimated another, who from his Principal Charge of *Tuitions* and *Curatorships*, obtained that of *Talaris*; for it concerned the State as much that Persons under Age should be Protected, and their Estates secured; as that, by virtue of *Manumissions*, new Citizens should be added to the Body Politick. But, as for such as were by the *Præfets*, and these Persons should be assigned, to satisfy the Doubt thereupon, the Emperour declares, that they may be of any Order, so they be just and fit Persons. For, Fidelity doth not depend upon Dignity, or being of such a Race or Stock, Honesty and Integrity being often conspicuous, may sometimes more in those of lesser quality. So that to a Boy of Senatorian Rank a Person of *Equestrian* Order, or a *Plebeian*, might be assigned Tutor; yet so as he excepted such as were bound to the Services of Corporations, from being assigned Guardians to the Sons of Senators. In the last place, he so far inforces this Law, as only to have

Theodosius for-  
bids any thing  
to be Excepted  
for good  
News.

Ordains how  
Guardians  
shall be assign-  
ed to Youths  
of Senatorian  
Degree.

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Attio in offi-  
ciis Tri-  
umviri.

Hæti Tatiane  
K. N. B. L. ult.  
in quid pub-  
lica lætitia  
manis etc.  
Cod. Th. Dat.  
4. Kal. Mart.  
Anst. a. Cod.  
Juli.

L. 3. de Tutoribus et Curatoribus etiam-  
di. Cod. Th.  
lib. 9. tit. 17.  
de L. 1. de Tutoribus vel Curatoribus. Illu-  
strum vel clarissimorum per-  
sonarum. Dat.  
6. Keph. Jan.  
Mediol.

place,



Sect. 4. Place, where no Guardians were assigned by Testament, or such as by Law and of Course were to have the Charge, were wanting. And in other matters he leaves the Conditions and Estates of *Minors* to be Regulated and Ordered by the ancient Laws.

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The Empe-  
rors refrain  
such as seized  
upon Confi-  
cated Goods.

76. Now it's to be concluded, the Officers of the Revenue were busy in Gall, in confiscating the Estates of *Maximus* and his Followers. For, though *Pacatus* speaks so much like a Panegyrist, of the mildness shewed by *Theodosius* after the Victory, and have the Fortunes and Estates of guilty Persons were spared; yet is he not to be understood, as if there were no Confiscation at all; for, besides it would how be imprudent to leave so dreadful a Rebellion and Usurpation altogether unpunished, we are assured of proceedings in this way from the Contents of a Law published this year at *Trier*, on the fourteenth of *June*. Among the Goods belonging to the late *Tyrant*, his Son and Officers, were (as needs must be) found also such as belonged to private persons, which they had unjustly seized; and the Emperors were informed, that without any due Process or Form observed, after publication made of the Estates of the Traitors, some private Persons laid Hands upon several things they pretended to belong to themselves, not staying for any due Trial or Sentence, but being their own Judges in the point. Hereof the Emperors show an high and just Repentment, and command that all things so seized shall, notwithstanding, be appropriated by the Treasury, in way of punishment of these Arrogant Persons, who, when they might have had a fair Trial, would not stay for Judgement, but despoiling that Victory, which Justice at length must have brought them, made choice rather of that Conquest which their own Audaciousness objected to them. In case such Persons had Right on their side, yet in way of Punishment for their Impudence, they Ordain that they lose their Suit, or the thing that was in Question, though of Right it belonged to them. And in case the thing so seized, or invaded, did not of Right belong to the Seizor or Invader, he should forfeit the Value of the Thing so unjustly seized. Now what they Ordain in reference to the Publick, as to this Concern, they also think fit to Apply to the Affairs of particular men, imposing the same Penalty upon any Violent or Forcible Enterer whatsoever. In Conclusion, they enact like themselves, that their Exchequer shall not begin any Action upon these People being in possession, though of the whole Confiscate Estates; that it do not make any Question or Examination, but receive all such Quarrels and Demands. This Constitution is directed to *Messianus*, the Comes Rei Private, to whose Treasury these Confiscations did belong, and to whom they give the Title of *Magnificence*.

77. Though *Theodosius* was now in *Italy*, and a great distance from his own District, yet had he still his thoughts upon it, and especially such parts thereof as were exposed to the Incursions of *Barbarians*. And need there was for his so doing; for *Zotimus* writes, that such of them as had hid themselves in the Fens, and in the Woods adjoining to the Marshes, upon the falling down of the *Romans* upon them, now hearing that he was employed in the Civil War, took the Advantage and made great havock of all things in *Macedonia* and *Thessaly*, without resistance. Whether it were in reference to these motions or for repelling the Insolence of the *Scythians*; the state of the Times required that *Illyricum* should be well defended. For this purpose, whereas *Gratian* had ordained that the Souldiers called *Comitatenses* should receive their Provisions in kind; but those that lay upon the Borders in Money: *Theodosius* now thought fit, that, what Supply was wont to be made out of the *East* to *Illyricum*, should all indistinctly be paid in Money. Possibly because in *Illyricum* there was plenty enough of Provisions to be bought up, and it was found, by experience, that what was brought to far received detriment by the Conveyance. He instanceth in three things, *viz. Bacon, Oyl and Salt*, and sets the Rates to be paid for them; one *Solidus* for eighty pounds of *Bacon*, and as many of *Oyle*, and as much for twelve *modii* of *Salt*; so that it appears that *Bacon and Oyl* was of the same value in those days, and eighty pounds of each was of the value of one *Solidus* or *Aureus*. But this course of receiving Provisions in kind, or Money in lieu of them was altered according to the pleasure of Princes, and exigency of Affairs. And as he might indistinctly reason to change Provisions into Money because of their ordinary corrupting, by reason of the length of the ways; so at this time he was certified of the corrupting of Money it self where this Supply was to be had. This provoked him by an Edict directed to *Tatian* to declare such Persons as should falsify the Coin (whom

Theodosius  
orders the East  
to supply  
Illyricum with  
Money in  
stead of Pro-  
visions.

L. 17. de Co-  
mitionibus Cel.  
Theodosius.  
Ced. Jus.

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Theodosius ac-  
companying  
with Valenti-  
nian and his  
Son Honorius  
goes to Rome.

78. But now went *Theodosius* to *Rome*, accompanied by *Valentinian* and by *Honorius* his Son, towards the middle of *June*, and there they resided for the most part of three months, *viz. June, July and August* following. For by the Dates of certain Laws made at that City, we find them there on the seventeenth of *June* and the twenty eighth of *August*; and betwixt those Dates several other Constitutions made, as for the good of the Empire in general, so principally for the concerns of that Mother City. The first is of Religious concernment, it being a good and profitable thing for Princes to begin with such matters, which being to consider in its proper place, we shall take notice, that though he now resided in the City of *Rome*, and principally concerned himself, with *Valentinian*, for that Mother City, yet his thoughts ran upon the Beautifying and Adorning the other of *Constantinople*, possibly moved by some Indignation that the Daughter, and which was now the Seat of his own Empire, bore no greater resemblance to the Mother. He directed an Edict to *Proculus*, *Prefect* of that City, wherein he takes notice, "That it's a very unbecoming thing, that the publick Splendor of a City should be corrupted, or spoiled, by the adjoining of private Houses; and that the Ornaments that had been added in his time or before it, should be eclipsed by such works as had only their rise from greediness after Money. Therefore he impowers him (to whom he gives the Title of *His Sublime Eminence*) to remove all such Incroachments, if they spoiled the Prospect or the Beauty of the Place, whether they had been introduced by the meer presumption of the Builders, or by leave surreptitiously procured; leaving it fully to him to demolish or let stand what he should think fit. By these private Buildings are to be understood Shops, which as in every publick place, where multitudes or concourse of People are, were not only then and there erected, but we see now to creep up every where for the ready sale of, often times, but trifling Commodities. So now it happened at *Constantinople*, where the *Forum*, the entrances to the publick Baths, as we see at this Day the Entries into Churches (usually with Books and Bells) and the places of publick Administration of Justice were pestered. But we must needs take further notice of what *Theodosius* mentions in this Law, concerning publick Ornaments which were added in his Days; to whom the Writings of several other persons bear witness: particularly those of *Theophrastus*, of which we have spoken heretofore. These were an *Haven* or *Port*, an *Aqueduct*, a *Palace* which bore his Name, *Baths*, *Porticus*, *Gymnasies*, and the *Forum* which was also called after him, of which is made mention in an old Description of *Constantinople*. There was also when the *Tyrants* were overthrown and destroyed, a *Column* erected in the *Hippodrome*, when *Proculus* was Judge or *Prefect* of the City (on which were engraven two Inscriptions or Epigrams, the one in Greek, the other in Latine) which accords with this very year.

Thence he di-  
rects an Edict  
for the Reu-  
rizing of Con-  
stantinople.

L. 25. de Op-  
eribus publicis  
Ced. Jus. Ced.  
Rome S. Kel.  
Augusti. Abet.  
a Ced. Jus.

How he de-  
menced him-  
self at Rome.

Pacatus his  
Panegyricall  
Oration to  
him in the  
Senate House.

79. *Theodosius* thus, at *Rome* provided for the lustre of *Constantinople*, but it was, probably, as we said, by having a view of that old Sovereign City; that he knew the better how to correct the mistakes committed in the contrivement of the New. He might the more conveniently behold the Buildings, because he made his Entry in Triumph; sometimes in his Chariot and sometimes on Foot, and so, as one changeth the Word, *He triumphed over War, and Victory it self*. In the Court-House *Signatus* he spoke to the Senate, and at the *Rostra* to the People, carrying himself as a Prince to them all in general, and as a Senator to each in particular. In the Senate House he was commended by *Pacatus*, a most Eloquent and Witty Person, in that Panegyricall Oration of which we have made so much use already, and must do more, wherein touching at other matters, he hath especially celebrated this War, Victory and Triumph over *Maximus*. Concluding his Speech, at the close he tells him, That it should suffice to have spoken of such of his Acts as were already past; and now when in course he was to make mention of what he did at present, he would rather choose to make an end of his Oration, than to invade the Office of the most ample order of the Senators. He hopes that he should obtain pardon for his pious temerity, whereby he did not so much invade what belonged to other persons, as made use of what was common to all Subjects. That it was, he hoped, lawful for him to speak of such things as were happily performed by him, amongst Barbarous Nations, and in foreign Provinces for the Sovereign command, with his Permission and the favour of the Senate, leaving what he had done

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and still continued to do, at *Rome*, to *Roman* Wits. To them it belonged to shew in what manner he appeared the first day he arrived; how he behaved himself in the *Court*, how at the *Refruits*; how he followed the Spoils of War, one while in his Chariot, another while on Foot; (the more setting himself forth by this change of Posture) as triumphing both over *War and Pride*: how to all in general he demeaned himself like a Prince, and no otherwise than as a Senator to every one in particular; how often and how familiarly he took a View, not only of the publick works, but also of private Houses, without any Guard to attend him, as being far safer and commended by their Tongues and voice, who things, faith he, be set forth and commended by the common Joy may both more excellently speak of matters of greatest moment, and more justly and fitly of what is of private and particular concernment. Then falling into a kind of extatical fit, he cries out. O my happy travel! the pains I have taken have been well bestowed. At what glorious things have I been present, with what Joys prepared, what wonderful matters shall I, at my return make known to the Cities of *Gall*! with what multitudes of astonished People? with how great an Auditory shall I be crowded, when I shall say, *I have seen Rome, I have seen Theodosius, and I have seen them both together: I have seen him who is Father of a Prince, Avenger of a Prince, and also the Restorer of a Prince.* To me they will flock from far and wide; from me the whole series of all the Passages from first and last will be derived; from me both Poetry and History will receive its Argument. I will requite you, Sir, for the injury I do you; though I speak nothing of you my self, that's fit to be read, I shall instruct them, that may speak or write it.

What Reformation he made in the City.

80. He tells us what brave things in general *Theodosius* did at *Rome*; but we must consider what he acted in particular for that City. We find as the ecclesiastical state thereof, so for the amendment of the Civil he made several Laws. In order to the better administration of what concerned the Prince his Patrimony in the venerable City of *Rome*, as they term it, the Emperors tell *Albinus* the *Præfēt* thereof, that Appeals shall lye from the *Rationals* to the *Comes Rei Private*, if the sum in contention exceed two hundred pounds of Silver; if it do not amount to so much, then to himself the *Præfēt*. They received a complaint that the publick Slaves belonging to Forges or other publick works, at this time deserted the service, and went and joyned themselves with private Persons, and took as Wives their Women Slaves. To restrain this they Ordain that, "Those who offending, with their Wives and also their Children, be forced back to their former condition and labour. But *Socrates* also writes that, though the Emperor *Theodosius* was staid but little in *Italy*, yet in that space he did much good to the City of *Rome*, partly in bestowing what was profitable for it; and partly in taking away what was mischievous to it. For as he Demonstrated his Bounty and Liberality to it in many respects, so he removed two things out of the way which were great blemishes unto that Place. There were great and ancient Buildings at *Rome*, in which that Bred was baked wherewith the City was supplied; the Overseers or Governors wherof the *Romans* in their own Language called *Manceps*, who in process of time turned those Houses into Dens of Thieves. For by reason that the Bakehouses belonging to them were under ground, and on the sides of them were Victuallers and Tipling places full of Whores; many that resorted thither, whether for satisfying of their hunger, or their Lust, were craftily spoiled of all they had, and most commonly so disposed off as their Friends could never hear of them after. A certain privy Conveyance there was devised, to throw them down from these Tipling Houses into that blind Bakehouse, by which means many, especially if Strangers, were cast away. For being thus caught in the Trap, they were compelled to grind in the Bakehouse, and most of them never suffered to depart, but kept in perpetual slavery; their Friends believing that they were long since departed out of the World. It happened that one of *Theodosius* his Soldiers was thrown into this Hole; but being in the close Bakehouse, and by no other means able to procure his Liberty, he drew his Dagger, and slew such as stopped his passage, and the rest being afraid of their lives let him escape. The Emperor informed of all circumstances, grievously punished the *Manceps*, and commanded these Houses which were the Receipts of Thieves to be demolished, and by this means freed *Rome*, the Queen of all Cities, from one very disgraceful thing. The other was this. If a Woman were taken in Adultery, the *Romans* used such a kind of punishment, as

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removed not the Sin, but increased the Vice. For they shut her up in narrow Stews, and compelled her beastly without all shame to play the Whore; nay they procured a noise to be made with some founding Videl, while the Deed was doing, that the Neighbours might know it, and that by that tinkling Sound all might be made privy to that filthy and shameful kind of Correction. The Emperor hearing of this horrible Custom, thought it was by no means to be suffered, but the *Scitra* (So the Bawdy Houses were called) he commanded to be demolished; and made other Laws for punishment of Women taken in Adultery. And thus was *Rome*, by *Theodosius* his means delivered from these two foul and filthy Abuses.

81. But as for *Socrates* his later story concerning the Adulterous punishment of an Adulteress, there's not any thing in Antiquity that bears Testimony to it: not any Footsteps of such Law or Custom at *Rome*, where the *Julian* against Adulterers, *Baronius* tells us, was always vigilant and Vigorous: only one Custom, he faith, there was in his Days in several Places in *Italy*, to deride with such tinkling Sounds the Marriages of such Widows as entered the second time into the state of Wedlock; as in some places of *England* they are wont to make ridiculous those Wives that beat their Husbands. For the former, concerning the Bakehouses and the *Manceps*, it is very true, that the Overseers of these publick Houses went under this Name, as well as others, that belonged to the publick Baths. And as he makes mention of *Theodosius* punishing the *Manceps*, by which punishment the Body of them might be dissipated, and a Want follow of such as were to execute that Charge: so at this very time we find a Law made by these two Emperors for recruiting or filling up the Body of the *Manceps*, which must suppose such a Want. It's dated at *Rome*, and directed to *Albinus* the *Præfēt* thereof, and therein they command, "That whosoever by surreptitious Receipts contrary to former Laws had obtained dismissal from this Service, or lived idle in any letter, or more inconsiderable Bodies, or Companies, should be forced to undergo this Function: there being no need, I suppose, of any new Command for forcing back such as were run away, or had deserted the Charge upon that Persecution which fell upon them, if so they did. And this Law might very well seem to have relation to this story of *Socrates*, if some other Circumstances did not rather incline us to another Interpretation. By *Manceps* are meant in Law-books and others, not only these publick Bakers, but, as we said before, such as had the Management of the publick Baths and of *Salt-pits*; and it happens so direct for the Interpretation to go for them, that *Symmachus*, who was *Præfēt* of this City four or five years before, hath an Epistle still extant, directed to *Theodosius* himself, wherein he makes Relation that these very *Manceps* of the Baths, from a great number, being reduced to a very few, and not possibly able to undergo the Burthen, obtained upon their Petition, that such as had been excused by Decree should be returned back, and other Supplies be made out of other unserviceable or idle Companies without delay.

82. This Rescript being pleaded; those that by Decree had been dismissed from their Company, alleged that they were protected also by the suffrage of *Macedonius* (who bore the Office of *Comes Sacri Largitionum*, under *Gratian*, *Valentinian* and *Theodosius*) and they procured a Relation of these their Pretences to be made. Now *Symmachus* tells the Emperor, that it's only in his (or their) power to rescind Rescripts unjustly procured. But, still the defect continuing, they called also the *Navicularii* that were obnoxious to the bringing of Wood for the service of the Baths, to undertake their Charge, that both Companies together might support the Burthen the better. But they chose rather to deliver up some of their Body, than to joyn together unanimously in the Work; and these being willing, it was so wrought, that certain Persons were joyned with the *Manceps*. Now he tells him, the publick Cause required his delivery of his Judgement therein, left by Instruments clandestinely procured, an whole Company to serviceable should be reduced to nothing. He adds, that with the Relation he had sent the account of what was transacted, about their Affair who pleaded the Judgement of *Macedonius*; as also what had passed before himself in relation to the *Navicularii*, their adding some of their own Body to the *Manceps*. And concludes with telling him, that it is his work to revoke the Privileges of those whom their own ambitious Practices had discharged: and to cut off all access to his Person from such as would petition to be disengaged from that Service to which their own Company had adjudged them. This Epistle is so direct to the Interpretation of this Law, that

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L. m. de Mancepsibus. Cod. Th. lib. 12. tit. 16. Dat. 18. Kal. Septemb. Anst. à cod. Juh.

Lib. 10. Ep. 80.

Socrates lib. 5. c. 18.









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the Rivers clean and pure, where the Legions lay incamped and were wont to drink, that no filth should be derived down into them, nor that the Soldiers should be obscene in shewing their naked Bodies in the Water; but if they would swim, they should do it towards the Mouths of the Rivers, and below the usual Incampings of the Army. This was agreeable to the Use and Custom of the Romans, who appointed the place of Swimming at *Rome* down and below the River, that so no Sordes or Filth might come down, and the Common *Poculum* (as a River is often called) might not be polluted. And, however Nakedness might be approved by the *Lacedæmonians*, who caused their Youth to Exercise without their Cloaths, as well Men as Women; yet amongst the Romans it was esteemed Immodest and obscene, *Eunius* accounting it the beginning of Naughtiness, to uncover ones self amongst the People. This Constitution seems principally intended for the *Franks* or *Germans*, who, as we have seen in the History of *Jovian* his Retreat, after *Julian*'s death, were very expert in Swimming, and therefore took much delight in that Exercise. And indeed the Law it self is directed to *Richomer*, under the Title of *Comes* and *Magister utriusque Militiæ*, or of both Horse and Foot; and with the Attribute of *Sublimis Magnificentia tua*. This *Richomer*, a Noble *Frank* by Birth, was very eminent at this time, both in respect of his great Command, of his Valour and Military Experience, and also of the high Favour he was in with the Princes of these times. We have seen how he was employed by *Gratian*, as *Comes Domesticonum*, and into *Thrace*, to the assistance of *Valens* with *Prospertus* and *Trajan*, and upon other Occasions. Under *Valentinian* he had now the place which this Law mentions, and upon the *Rhine* as it's thought. Under *Theodosius* he was designed *Consul* and employed against *Maximus* the Tyrant with good success, and with him he returned into the East, and was designed General of the Horse against *Eugenius* the Usurper, but died before the Expedition. Great kindness and Entercourse by Letters passed betwixt him and *Symmachus* the *Consul* of this year, as also *Libanius* the Sophist, to whom he was dear, as well upon the Account of his Pagan Perswasion in matters of Religion, as otherwise. And now of late his Memory hath been Precious to *James Gothofred*, that learned Commentator upon *Theodosius* his Code, upon the account of his Original, which in Favour to the French Nation he hath revived as much as he could, upon Occasion of this Law being directed to him.

The Emperors give Persons liberty to dispose of their Estates.

93. On the same day, the Emperors, who were still together, after Grave and Mature deliberation, thought fit to Repeal a certain Law, made of later times for restraining Persons from alienating their Estates. Of old by the Roman Law any one might freely alienate, except in certain few Cases, as appears by many Passages, even in the time of *Dioclesian*. But it seems that *Constantine* the Great was moved to change the Custom by some that more affected the precepts of the *Mosaic* Law in things of this Nature, whereby the nearest a Kin might redeem and recover the Inheritance from such as were Strangers to the Lineage. *Constantine* thought this *Mosaic* Rule consonant enough to Christian Life, and to have a share of Equity and Decorum in it, that though every man might sell how and to whom he pleased, yet the Kindred, Comfort, or Joynt Purchaser or Tenant in Common might have the first Refusal, offering as much as another would give. And when the Seller should receive the same Price, Profit or Advantage, what Inconvenience could arise, but that a respect should be had to Kindred and Consortship? For, as for Kindred, great is the Dearness and Affection which is wont and ought to be betwixt those that descend from the same Ancestor; and it's a Seemly as well as Prudent thing, that an Inheritance be not alienated from an antient Family. It makes also for Advantage and Reputation of Bargains and Entercourse, that a consideration be had to Consortship. However the Emperors thought fit to repeal this Law, as a grievous injury, covered over, as they say, with a vain Pretence and Show of Equity or Honesty, so as they leave it free to every man to make choice of what Buyer he pleaseth. And *Justinian* afterward, or *Tribonian* rather, admitted their their Repeal into this Law, yet with this Proviso, or Exception: If any Law in Special prohibited any Person to use such liberty in the Sale. Which Exception is not added in relation to Kindred or Comforts, but to others in general terms. For both of old time and henceforth besides an acknowledged agreeableness that Relations and Comforts should be preferred, several sorts of Persons challenged a Right of Præemption; as persons that Inhabited the same Town; when Sale was made of a Debtors goods. He that was both Creditor and Kinsman should be preferred before a meer Creditor on equal terms, but a meer

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L. 13. de re militari. Cod. Th. lib. 7. tit. 1. & L. 12. Cod. Th. ed. tit. 1. de. 1. Jun.

Vide Gothof. in Com. ad h. l.

L. 6. de Contrahenda Re. u. pisan. Cod. Th. lib. 3. tit. 1. & L. 14. Cod. Th. ed. tit.

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meer Creditor before a meer Kinsman: and of Creditors he who was most deeply concerned; moreover, Contracts begat a Right of Præemption, as also the Holding of Lands in that way, which they called *Emphyteusis*.

94. In like manner, long after this and *Justinian*'s Law, by a Constitution of the Emperor *Romanus Lacapenus* the Elder, to five several sorts of Persons this Right of Præemption was allowed; if they were Partners and kindred; if they had any Society and Fellowship with the Seller. Sometimes the poor were preferred in buying the Possessions of the Rich, (which again was Repealed) a Neighbour before a Stranger, and at length by universal consent, as it were, all Laws and Customs again returned to this Centre, by two sorts of Recoveries called *Gentilium Retractus* and *Feudalis*. Hereby, though liberty was given to sell to any Person an Inheritance, yet might the next Heir at Law, as we say, or the Lord, retract and make void this Sale. And these foundations were built several Laws and Constitutions of *Saxons*, *Italians* and others, whereby the old Law of *Constantine* was restored, with various amplifications: and here in our own Country the Law of Fees and Settlements cut off from many Persons the liberty of disposing of their own Estates. But, as to our present business; the Emperors repealed the Law of *Constantine*, upon the suggestion, as it seems, of *Florianus* the *Præfectus Pretorio of Illyricum* and *Italy* to whom it is directed, who indeed had the Esteem of a notable, and very wise man, but he was a Pagan, and therefore averse to any thing of *Magical* Laws, or of Christian Convenience and Honesty according to that Pattern. But by another Branch of this and the same Constitution (though now made another Law) they tell us that what they did herein was done not without long deliberation; and therefore they declare that no Person whatsoever, shall pretend Ignorance of their Constitutions, nor dissemble the knowledge of them, being so weighed by long deliberation. It's a most known and approved saying that, the ignorance of Law excuseth no man, part of which these premeditated or advised Constitutions made; as for *Rescripts* they indeed were of more private concernment, being Answers to such matters as were propounded to them for their Opinion and Determination, and yet such as have been entered amongst these Laws and registred in the received Books, being fitted to all other cases of the same Nature, have also the force of Law. And indeed this being at first intended to put in Execution the Constitution for repealing *Constantine*'s Law, that none might pretend Ignorance to it, or dissemble it, hath been afterwards applied to all other Constitutions of Princes so advisedly made. *Flavianus* was, as we see, *Præfect* both of *Italy* and *Illyricum*, and no wonder, *Probus* having been formerly both of *Italy*, *Illyricum* and *Africk*, and *Gall* was some time also under his care. And by *Illyricum*, whatever *Zosimus* or others have written, all *Illyricum* is to be meant, which was under the Empire of the East, and on Governors; till the death of *Valentinian* the Younger; after which it became divided into *Eastern* and *Western*, and the former fell to the share of *Theodosius*.

Theodosius removes to Aquileia.

Where he bridges the liberty of Appraising.

95. From *Vincentia*, *Theodosius* removed to *Aquileia*; whence he sent before him an Edict to *Proculus* the *Præfect* of *Constantinople* against the extravagant humour of appealing. Of old time it was lawful twice to appeal, because of the Diversity and subordination of Magistrates: as from the *Pretor* to the *Præfect* of the City, and from him to the Prince himself, but this being very dilatory in the Defendant, and many times defrauding the right owner of his Goods, at least deferring his enjoyment of them, he thought fit to bridge this liberty, by Ordaining that he who had already received two Judgements or Sentences in the same Cause, and both against him, should be forced to quit the said Goods, and the possession of them be transferred upon the other or adverse Party, till the thing should be determined. This punishment of transferring possession is otherwise imposed in case of Contumacy or Knavery, by the Laws. As it was lawful twice to appeal, so *Justinian* afterwards forbade it to be done the third time; but *Atalarich* the *Gothick* King prohibited the second. It seems by the Inscription and Date of another Constitution, that *Valentinian* accompanied his Colleague thus far on his way Eastward. For on the same day we find another Edict directed from the same Place to *Megillius* the Vicar of *Africk* (though not said to be received at *Hadrumentum* till the beginning of the following year) which was in his District. The Exactors, as they were called, or Officers of the Treasury, whose work it was to defraim on the Goods of such as were Debtors to the Publick, and to expose them to Sale, often covenanted fraudulently with the Buyers, to sell them under worth, and receive

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Vide Gothof. in L. 6. Cod. Th. de Statu personæ lib. 1. Cod. Th.

L. 2. de constit. Princip. & Præf. Cod. Th. lib. 1. tit. 1. & L. 12. Cod. Th. de Jur. & Fidei Ignorantia lib. 1. tit. 1.

L. 10. de possessione ab eo quod sit precariorum lib. 1. tit. 1. Cod. Th. lib. 1. tit. 1. & L. 1. de iur. & Fidei Ignorantia lib. 1. tit. 1.

L. 2. de Fidei & Jur. Italia Cod. Th. lib. 1. tit. 1.

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some Profit themselves over and besides, or bestow them as Favour or Interest inclined them. *Valentinian*, to obviate this fraud, ordains, "That the Thing received in Pledge shall be prized before it be set to Publick Sale, it being Notified what Measure shall be taken of the Worth by Two Standards, *Viz.* the Quality of the Moveable Thing, or the Quantity of the Revenue. And in Case it was found, that such Goods or Lands were sold at an under Rate, the Sale of them should be rescinded, as had been practised by the Ancient Laws in other Dues owing to the Exchequer.

Thence to  
Theodosius.His Exploit  
against the  
Barbarians.

96. *Theodosius* in his way to *Constantinople* came to *Thessalonica*, where he found the Affairs of *Macedonia* in a great Perturbation; For, the Barbarians, who having been mixed with others in his Army, had revolted from him Three Years before, when he moved against the Tyrant *Maximus*, had betaken themselves to Lakes and Fenny Places; and, while he was buſied in the Civil War, thence made Excursions, and Havock of all things in *Macedonia* and *Thessaly*, without Controll. But when the Fame of his Victory and Return arrived, they again betook themselves to their Lurking Holes, and Places of Security in the Fastnesses, whence they privily stole out by Night; and having made their Depredations, retired again, when Day appeared; so that the Emperor imagined they were Spirits and Apparitions, rather than Men. Being doubtful in Mind what to do, *Zosimus* tell us this Story of an Adventure he made, ill Consistent with that Sloth and Luxury he usually ascribeth to him. He made Choice of Five Persons to accompany him, to whom he gave in Charge, That each should take Three or Four Horſes with him, that when one tired, another might be at Hand for the Rider. Making his Purpose known to none, with them in a Disguise he ranged about the Country, and when he wanted Refreshment, went to some Country-house or other to get Victuals. At length he came to a small Inn, kept by an Old Woman, and the received and entertained him Civilly with Wine, and other Conveniences; and here he was persuaded to lodge all Night. When he was retired into his Chamber, he espied a certain Man, who would answer no Questions, but seemed to have a Desire to Conceal himself. *Theodosius* hereat calls up the Woman, and asks who he was. She professes her Ignorance as to that Point; but confesses, that since the Report of the Emperors Return out of the West with his Army, this Man was wont to lodge at her House, to go out in the Morning, and be abroad all the Day, then at Night again to return us from Work, to his Supper and Lodging. He makes Use of her Information, and seizing the Man, Commands him to shew his Condition, and manner of Being, which he obstinately refuseth, though beaten, till he caused his Men to prick him with their Swords, and declared himself to be the Emperor. Then he confessed he was a Spie, sent by the *Barbarians*, that lay in the Fenns, to listen where he was, or what Places or Persons might best be set upon and overcome.

97. The Emperor presently caused his Head to be struck off, and going to the Army, which lay at no great distance, led it to the Place where he had learnt the *Barbarians* lodged, and falling upon them, cut in Pieces a great Number of every Age and Condition, partly drawing them out of the Fenns, and partly killing them in the Waters. *Timasius*, one of his Officers, admiring his Valour, desired his Favour in behalf of his Soldiers, who being starved almost for hunger, were not able any longer to endure the toils of drawing the *Barbarians* out of their retiring Places, that they might take a little Refreshment. He granted his Request; and the Trumpet Sounding to a Retreat, the Soldiers left off their Pursuit. But going to their Repast, and being now overcome with Wine, as well as Labour and Toil, they fell fast asleep; and the Remainders of the *Barbarians* having notice of it, with Swords, or such things as they had at Hand, fell upon them, and killed many, amongst whom, you must know, the Emperor himself had miscarried, and with him all his Army; but that some who had not completely dined, ran to his Pavilion, and gave him notice of what had happened. The Emperor was disturbed at the News; but thought it best to run away, as he did with those he had about him. It happened well for him and his, that *Pronotus*, another of his Captains, whom he had lately sent for, meeting them in their speed, desired of him, that he would look to the Preservation of himself, and followers, and leave him to deal with the villainous *Barbarians*, whom he would sufficiently chastise for their Contumacy. He fell upon them, and meeting such as yet hovered about to catch the Soldiers napping, he laid them asleep to rest, that few of them ever waked to carry any News into the Fenns of the Success of the Sally. Such were the Adventures that befell *Theodosius* in his Return, after the Defeat of *Maximus*, as *Zosimus* tells us; who, though he relates

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L. 16. Cod.  
Joh. de Crisost.  
doub. unde.  
11. de. Dal. 13.  
Kell. Joh. de Crisost.  
Act. 14. Jan.  
Hadravanti.  
Pell. con. T.  
tati & Syn.  
macti VV. Syn.  
Zosimus lib. 4.  
p. 171.

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relates a Story, wherein the Emperor was admitted for his Valour, yet keeps true to his Principle of adding a Sting to the Tail of his most Favourable Narrations. We can tell the Reader further, That though *Theodosius* attempted fully to Suppress those Rovers by Force of Arms; yet finding that Course not fully Effectual, what he could not do by his Sword, it being too late, he was resolved to effect by his Pen. By this, he gives free Liberty to all the Provincials. (of *Macedonia*, to whom the Edit is directed) to make Resistance against Soldiers or Private Persons; who by Night shall enter their Grounds, or lye in wait in the High-ways; and to kill them who had a Design to destroy others; it being better to prevent a Mischief, than afterwards to have ones Death Revenged. He Charges, that none spare that Soldier, against whom a Weapon was to be prepared as against a Thief. This he did very seasonably, the Provincials doubting, whether they might by Arms make any Resistance against these Thieves; it being declared for Law formerly, That no Private Man ought to levy War, without the Knowledge and Approbation of the Emperor; but in Case of Foreign Invasions, every Man became a Soldier against Publick Enemies. Being arrived at *Constantinople*, he found Complaints of such as had alienated their Lands, that they were still constrained to pay the usual Cess, or *Capitatio*, for them. He Published an Edit to *Tatianus*, Commanding, That every New Owner of a thing of such Nature, should presently, after his becoming Possessor, cause his Name to be entered into the Register, or Cels-Book, for so much as he was become Owner, and to ingage to pay what was due for it, to the End that the old Proprietor might not be troubled for what was now out of his Hands.

Theodosius at  
Constantinople.Takes care to  
supply the Ca-  
ties.Repelleth the  
Extravagancies of  
the Defensores.

98. Shortly after *Theodosius* his Arrival at *Constantinople*, followed the CCCXCII. Year of Our Lord, wherein *Fl. Arcadius Augustus* the second time, and *Fl. Rufinus* were Consuls. *Tatianus* continued *Præfectus Pretorio* of the East till the Month of July or August, and then was succeeded by *Rufinus*; and *Apodemius* exercised the same Authority through *Illyricum*. *Theodosius* now again this Year shewed himself a great favourer of the *Curia*. Having formerly condemned Possessors of Lands (though by Bargain and Sale) to a Pension answerable unto them, and forbidden any Grounds, or Slaves, belonging to *Curiales*, to be sold without a Decree obtained for so doing: He now further ordained, "That in case a Man married the Daughter of a *Curialis*, if he paid no Service to the Court, and having no Children, was made Heir by her in her Testament, he should be forced to the Services of the Corporation. In like manner, if an Aduer was found to be the Son of a *Curialis*; though much favour was wont to be indulged to such, as those who in the Army passed the Accounts of the Souldiers, (what Pay was due to each, and signified what Arrears were behind, to the *Suscceptor*) yet he must also be condemned to the Functions of these Courts. "Though at his first coming to the Government he had granted Immunity to all the *Curiales* from Stripes and Tortures; yet afterward he restrained it to Particular Persons; and now this Year again, doth he devote those called *Principales* of that Privilege, if so be these Men (who gathered the Tributes) were owing any thing to the Treasury. In Case they were solvent and clear, he allows it them by an Edit directed to *Potamius* the *Præfectus Augustalis*, whom he charges to see it performed under pain of a Fine to be incurred both by himself and his Office. It seems, that at this time there were Complaints made concerning the oppression of these Citizens by the Civil Officers, and well might it so happen, when they who were to relieve them, contributed themselves to the Grievance. For it appears they so did by another Edit directed to the same *Potamius* this very Spring, wherein he Commands, "That those called *Defensores* shall not carry themselves insolently or unjustly, but only do that Duty which their Name imports. That they impose no Mults, nor put any to Torture; but defend the Common People and *Decuriones* from the Insolency and Rashness of Bad Men; so that they may not indeed cease to be what they are called. As for Mults, the Rule in general was, That none by Law could impose them, but those to whom was committed publick Judicature, inasmuch that neither a *Curator* of the Common-wealth, nor the *Procurator* of *Cæsar*, could do it; therefore neither could these *Defensores*, who were scarcely to be numbed amongst Magistrates; though, as the Emperours express it, they were in the stead of Parents to the Common People and *Decuriones*, and as their Children did protect them. "They are also here forbidden to examine any by Torture, being not in Capacity in those days as much as to Imprison, though afterwards this, in some measure, was indulged them. But the great Argument *Theodosius* useth for keeping them within their bounds, is taken from

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L. 2. ad Legem  
Curialium de  
Sicarian Cod.  
Th. lib. 9. tit.  
14. de L. 1.  
Joh. de Crisost.  
Quando licet  
censurari se  
indicare  
vel publicum  
decurionem.  
Dat. Kell. Joh.  
ad Provincialis.  
tit.

L. ult. flos  
Instit. Cod. Th.  
lib. 11. tit. 3.  
Dat. 15. Kell.  
Ostio. Confessio.  
Joh. de Crisost.  
ad 2. Cod. Joh.

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Arcadius  
Aug. &  
Fl. Rufinus  
Cof.

L. 124. de Di-  
curianis.  
Cod. Th. Aug.  
de Cels. Joh.

L. 125. Ad  
de Cels. Joh.

L. 126. de  
Decurionibus.  
Cod. Th. Aug.  
de Cels. Joh.

L. 2. de Dyfensio-  
ribus. Cod. Th.  
lib. 1. tit. 1.  
Joh. de Crisost.  
Tit. 1. de Cels.  
Joh. de Crisost.  
Tit. 1. de Cels.  
Joh. de Crisost.  
Tit. 1. de Cels.

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from their Names or Title of their Employment. He bids them only attend to, or Execute the Office of their Names; and to see only to this, that they may not cease to be what they are called. Thus are other Persons, in this and other Ages, frequently admonished to their Duty by signification of their very Names, as Bishops, Clerks, Philosophers, Monks, and Christians in general. But the Egyptians seem most, of all other Nations, to have stood in need of this Admonition; of whom both the Writers of this Time, and more Ancient Days do testifie, that they were turbulent, factious, light, and injurious; nay, so vain and inconsiderate in their extravagancies, as still to covet Innovations; and for this End they turned Ballad-Makers, Libellers, Astrologers, Southsayers; and what not? And it is not improbable, that *Potamius* now going into Egypt to take upon him the Office of *Præfatus Augustalis* in the room of *Hypatius*, had this Law, amongst other things, given him in his Instructions; which were usually drawn, as the present state of Affairs required.

99. As by this Edict *Theodosius* restrained these *Defenders* of the Cities from doing what was contrary to the Signification and Importance of their Names; so five Weeks after, abating one Day, he required more fully of others of them, what their Name Imported. For at this time, great Robberies were frequently committed throughout the Regions of the East; partly, because the Offenders were not sought after and punished, which gave them still Hopes of Impunity; and partly, because they had Men in Power, their Patrons, which bore them out in their Enormities. To prevent them, he requires, that *Defensors* be chosen out of the most honest and diligent Persons, which may watch against these Enormities. Such care did *Theodosius* take for defending his own Subjects of the East, from open and public violence, and as we may conclude with good Success. Happy had it been for himself and his Colleague, could he have procured for him any such safeguard from clandestine Attempts upon his Person. All this year we hear nothing of any Laws made by *Valentinian* in the West, which silence one might be a little inclined to take as an ill Omen; for it so hapned with his Brother *Gratian* in that which ushered in his dismal Tragedy. And this very Year was *Valentinian* found suddenly strangled in his Palace, as *Epiphanius* exactly notes the time; *On the Ides (or fifteenth) of May, on Whitsun Eve, or the Saturday preceding it, and was carried forth the Day following, or on Whit-Sunday, which was then the twenty second Day of the Egyptian Month Pachon, the twenty third of the Greek Month Artemisius, and according to the Romans, the seventeenth of the Calends of June.* Having been given to understand in *Gall*, that the Barbarians hovered over the Borders of *Italy*; to provide for the safety thereof, he had resolved to repair thither, and removed for that purpose to *Vienna*, thence to march, as occasion should serve, to the *Alps*. There was now with him *Arbogastes*, a *Frank* by Nation, who, by the Emperor *Gratian*, had been preferred to the Dignity and Power of *Magister Militum* in the next place after *Bauto*. *Gratian* being dead, by his Industry, and Kindness to the Souldiers, he obtained such Authority, for his Military Skill, and Contempt of Money, that he advanced himself to the Chief Command, even without the warrant and consent of *Valentinian*; and having got great Wealth, now in effect, exercised Dominion over him; so that he would contradict and hinder any thing by him ordained, if he so pleased, how just and prudent soever. The young Emperor hence conceived as great Indignation as the Importance of the thing Merited, but his Neck being thus yoked, nothing could he do, against one whom the great Favour of the Souldiers protected. Yet consulting now about the Expedition into *Italy*, and finding him again opposing what he designed, he could not contain himself but drawing his Sword, attempted to kill him, which some of the By-standers hindered, by plucking back his Arm. Being asked why he suffered himself to be so transported, he answered, He would kill himself rather than be Emperor and not obeyed. *Zosimus* writes, that *Valentinian*, bearing this opposition most heavily, often for himself against him, but to no purpose. At length, not able any longer to endure to be subject to him, as he sat on his Throne, seeing *Arbogastes* come towards him, with an Angry Countenance, he reached him a Paper, wherein was contained an Abrogation of his Command; which having read, he told him plainly, That he neither gave him his Command, neither should it be in his Power to take it from him. Which having spoken, he tore the Paper, and casting it from him on the ground, went his way.

100. Things growing to this Extremity, *Valentinian* continued in a manner a Prisoner, and beloged by *Arbogastes*, who deprived him of his Royal Service and Attendance,

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Nous ne savons pas  
l'année de la mort de  
Valentinien II.  
On dit qu'il mourut  
le 15 mai, ou le 16  
juin, l'an 392.  
Il fut tué par son  
frère, l'empereur  
Theodosius I.  
à la fin de son  
régné.

De Ponder de  
maior, l'ide  
baroni ad h. ad.

l'ide Sigonius  
de Octid. imp.  
p. 214. Zos.  
mon lib. 4. p.  
774.

Philostratus.

Sect. 4.

tendance, and reduced him to little better Estate than that of a Private Person, committing the Charge of the Army to his own Countrymen and Creatures the *Frankes*, and drawing off from him his Domesticks to such disrepect, that very few dared either to hold any familiar Discourse with him, or obey any of his Commands. In this Prefure and Affliction he sent to *Theodosius*, beseeching him to pity his Condition, affirming with an Oath, That if he did not speedily relieve him, he would make his Escape, and come to him. They in *Italy* now apprehending great Danger of an Invasion to be made by the *Barbarians*; *Ambrose*, the Bishop of *Milan*, was perswaded by the *Honorati* of that City to undertake a Journey to *Valentinian*, and desire his Presence in that Country. He readily yielded, but the Day following received some Letters, which acquainted him how the Manions upon the ways were furnished, and preparation made, which signified, that the Emperor would speedily be with them; whereupon, with their Consent, he stopped his Journey. But this begat a Rumor, that *Ambrose* was coming, and upon what account; whereas *Valentinian* very much rejoiced, hoping, that by his means, the posture of his Affairs might be much amended, and when he saw he came not, he wrote to him, desiring him that he would hasten into *Gall*, not there to reside in any Synod, but to initiate him by the Holy Sacrament of Baptisme. Indeed he had good hopes, that by his Authority with *Arbogastes*, (which the Bishop confessed afterward was great; so that had he been present, he could have sweetened Matters between them) he might draw him off to more moderate Councils, and having received his Lettices, he presently put himself upon the way; but ere he had well passed the tops of the *Alps*, he understood that he was murdered, which came to pass after this manner. *Arbogastes* was now so accustomed to Power, and his own Will, that he could not think of any thing but how to continue it. He had reason to think he had done already too much; and this prompted him still to do more, both to keep his Authority, and prevent a Reckoning, which else he could not but conclude he might make at last to his small advantage; for, fear of Punishment or despair of Pardon, usually produceth the greatest and last Enormity in Treason, and procures, that there is little distance betwixt the Prisons and Graves of Princes. There was then in Court one *Eugenius*, a Man so excelling in the learning of that Age, that he professed Oratory, and opened a School for such as would be instructed in that Art. He was exceedingly prized by *Richomer*, as a very elegant and pleasant Person, and he recommended him to *Arbogastes*, with desire that he would admit him into the company of his familiar friends, as one who would stand him in stead, if ever he should have occasion to try his Friendship. He took his word, and after the departure of *Richomer* into the East with *Theodosius*, used him with so much Familiarity and Confidence, that there was nothing of Moment but he communicated it to him, and in all things asked his Advice.

101. Concluding, *Zosimus* tells you, That in respect of his great Learning, and the Gravity of his Manners, he was most fit, of all others, to make a good Emperor, he broke the business to him; but he was offended therewith, inasmuch that he was put to the trouble of Comforting and perswading him not to reject so great things as now were offered him by Fortune. Having prevailed with him, he resolved that *Valentinian* was first to be taken out of the way before he could be promoted; and therefore as he lay at *Vienna*, and was exercising some Souldiers near the Wall of the Town, he slew him, when he least expected any such Attempt. Some say, That he hired the Eunuchs, that waited on him in his Chamber, to fill upon him, and strangle him, when he was asleep, or while alone he beheld an Exercise of the Souldiers from his Window, which done, they tied a Cord about his Neck, and hung him up, (as if he himself had chosen to dye by the Halter, and his own hands) to avoid the Suspicion of the Murder. To such an End came this young Prince in the seventeenth year of his Reign, counted from his Promotion, and the twenty seventh of his Age but begun; a Person of singular Hopes, and one of whom *Zosimus* himself speaks no ill at parting, though upon the Account of his Religion he could not bear him any good will, as we may see hereafter. There are certain Laws extant in the Code of *Justinian*, which bear the name of *Valentinian*, and his two Colleagues, Father and Son, which being not marked by any year, by reason of the Names of the *Consuls*, and their bearing no Date of any Day, cannot be assigned to any particular part of his Administration. Of such as are fit to be taken notice of in this place, one declares to *Potamius* the *Præfatus Augustalis*, That the Exhibition, or setting forth the *Curios Publicus*, ought to be committed, according to the Customs of Places, either to the *Curiales*, the *Cohortales*, or those whom the most Eminent

A. D.  
392.

L. 12. de Curio  
publico ced.  
Jus. lib. 12.  
tit. 51.

Valentinian  
op noted by  
Arbogastes.

In Edict a  
Prisoner.

Is murdered.

Sect. 4. Eminent *Presbiteri* appoint to that Charge, after sufficient Caution taken for their "Fidelity. So *Tribonian* hath made up his Law; whereas that of *Theodosius*, out of which this is interpolated, mentions only *Curiales*, which live at convenient Distance, and are sufficiently Rich, and otherwise fit. By another Edict it seems, that the Power of the *Presbiteri* of the City became questioned within his own District, whilst that of the *Presbiteri Pretorio* was rampant still in those Days. For there stood need of a Declaration thereof, as appears by a Law directed to *Severinus the Comes Langitimum*, wherein is expressed, That all the several Bodies, or Companies in *Constantinople*, together with all the Citizens and Common Sort, shall be subject to his Government. But the *Presbiteri* of this City was but of late standing, and therefore might his Authority be more questioned. In those Days great Complaint was made of Husbandmen, such as were bound to the Service of the Place, their deserting their Work, and running away; which drew forth several Laws for the recalling them and their Children, and Prohibiting the Entertainment of them by other Persons. And now also, whether by reason of the Wars, which caused some to be difficult to inhabit, or because of the Barrenness of Grounds themselves, the Owners of them often forsook them, and the Tributes thence arising thereby failed. To prevent this mischief, these Emperors declared, "That in Case any other Persons would apply themselves to the Tillage and Manuring of these Lands, both for their own Private, and the publick Emolument, they would give them free leave so to do. But in Case the Owner of the Land came and demanded it within Two Years, he should be restored to his former possession, paying the Charge which the New Comer had been at in the Melioration of his Ground. "If he be he were silent Two Years, he should be utterly excluded from all Propriety in the Thing; the Necessity of the State so requiring it.

## SECT. V.

From the Murder of Valentinian the Second, to the Death of Theodosius the Great.  
The space of Two Years and Eight Months.

I. VALENTINIAN being dead, though by such treacherous means, yet all kept silence at *Vienna*, out of respect to the Dignity of that Man who they knew procured it, and was in high Esteem with them for his Valour, and especially his Contempt of Money, which made the Soldiers to revere him. He presently declared *Eugenius* Emperor, which they also the better digested, because *Arbogastes* did it, and the Person himself promised much from the good Parts wherewith they knew him to be furnished. The new Emperor, or Usurper, conforming himself fully to his Will who had given him the Power, to strengthen that Title which he knew would be questioned, provided himself of a sufficient Power of Men raised partly out of the *Romans* or Natives of the Empire, and partly out of the *Galls*, or *Franks*, and secured presently all the *Gallick* Territories. But when the Rumor of the Murder of *Valentinian* flew further about, all Persons were therewith affected, as became them; and above all others *Theodosius* was exceedingly perplexed, grieving, that he had lost a Colleague, and an Ally, in the Flower of his Age, who had fallen into the Hands of Men, that could not but be alienated from himself, and such as were not to be despised, *Arbogastes* being Valiant and Bold, and *Eugenius* both Learned, and indued with other Virtues. This he both considered within himself, and let not to utter upon occasion; and yet he resolved once more to venture for all, and to make all Preparations possible for a War. He pitched upon *Richimer* to Command his Horle, having, upon divers occasions, had sufficient tryal of his Abilities, and upon several others, to have the Conduct of the Legions; but *Richimer* was taken away by Death, while as yet he deliberated upon the Expedition; and so he was constrained to betake himself to new Councils. In the mean time, that we may look Westward, the Sisters of *Valentinian* Redeemed his Body, and it was carried to *Milan*, there to be Interred. This, when *Theodosius* understood, he wrote to *Ambrose* the Bishop to see his Funerals performed;

Sect. 5. performed; which being done, he Composed a Treatise in his Commendation, and afterward published it, wherein this is considerable, That he affirms him young in Years, but as to Wisdom and Council, an Old Man.

2. Having declared, how much they of *Italy* were obliged to him, for his Resolution of hazarding his Person to preserve them in safety, he adds, That he corrected the Errors of his Youth, even before he had learned any. He was reported at first to be much delighted with the *Circencian* Games; but this Blot he so far wiped off, that even on the Solemn Days of the Nativities of the Emperors, and for the Honour of the Imperial Majesty, he thought not fit that they should be Celebrated. Some reported of him, that he was so far delighted with Hunting, and taken up therewith, that he neglected Publick Business; whereupon he commanded all those Wild Beasts he had made use of that way, speedily to be killed. His Ill-willers gave out, That he made too much haste to Dine; which understanding, he betook himself to such a Course of Fasting, that most commonly he fasted those about him, and eat nothing himself; thereby gratifying both Religion, and the Humanity of a Prince. There was a Report, that all the young Noble-men in the City were slain in Love with a Woman that Acted publicly upon the Stage; this Woman he commanded to be brought to Court. The Messenger was corrupted by Money, and returned without her; whereupon he sent another, that he might not appear to desire to reforme the young Noble-men, without Effect. Hence some took occasion to Traduce him; but when the Woman came, he never so much looked on her, but commanded he should be had away; both that his Commands might not be disobeyed, and that he might admonish the Young Men to cease to be inamoured of that Creature which was despised by him, though he had her in his Power. And this he did, being unmarried; and shewed himself as temperate, as if he had been bound in the Bonds of Wedlock. After this he falls into this Exclamation: Who ever was so absolute a Lord over his Slave, as he was over his Body? Who ever was so severe a Judge of other Persons, as he was a Censor of his own Age? To what purpose should I speak of his Pity? who when Noble and Opulent Persons were accused before him of any Crime, and the Judge Assistant urged him to Severity, would answer, That no Bloody Act was to be Committed, especially on Holy-days. After this the Bishop laments, That he could not have timely Notice; that he might have interposed betwixt him and *Arbogastes*; whome he doubted not but to have drawn to Terms of Duty and Moderation.

3. But to return to *Constantinople*, we there find *Theodosius* Vigorous in Preparations to Chastise the Usurper, and those that set him up: and that upon Principles of Honour, rather than what *Zosimus* suggests, as the great Incentive to this Undertaking. This Writer, as in former Passages, he makes him to have been acted by Women, and especially by his love to *Galla*, the Sister of the Deceased Prince; so in this Design also he insinuates, That he was chiefly induced to the revenging of his Death by her Tears and Lamentations. He writes, That upon the News of it at *Constantinople*, she made a Noise, and disturbed all the Court with her Cries and Tears; whereas others place her Death before his at the Distance of no less than Two Years, or the CCCXC. Year of Our Lord. This happened while her Husband was still in the West; and she was Buried by his Son *Arcadius*; and at the same time was Erected in the Forum of *Constantinople*, not far from the Church, a Colonne, on the Top whereof was placed the Statue of *Theodosius* in Silver; as also that Year an Obelisk in the Cirque of the City. These probably were Erected upon occasion of her Death, and to her Memory, who left only one Daughter behind her, viz. *Galla Placidia*, of which Lady we are like to hear much hereafter. What Motives loever *Theodosius* had to the War, great Preparations he made for it both this and the following Year, which whether *Eugenius* was aware of or not, he sent away as Ambassador to him one *Rufinus* an *Albanian*, to know of him, whether he would consent, that he should Reign together with him, or reject his Advancement as null and frivolous. In his Negotiation he took no Notice at all of *Arbogastes*, nor brought any Letters from him. *Theodosius* was wary, and used delays in his Answer, of which, while he considered, another Matter of Consequence fell out. When first he came to the Government, he admitted some Persons out of the Barbarous Nations to Friendship and Society in War, and sought to oblige them by Gifts and fair Promises for the future. The Chief Captains of the several People he Courted, and ordinarily admitted to his Table. Amongst these Men there was now risen a Contention; for some of them were for breaking the Oath of Fidelity which they had taken when they were first received; and others of them Contended, that

H h h  
by

Sect. 5.

He gives the  
Messengers  
good words.He takes care  
for the Ho-  
nour and  
Safety of the  
Curules.He deter-  
mines how  
and when  
Provincial  
Councils  
should As-  
semble.

by no means their Faith was to be broken. Of the former Opinion was one *Prinfus*, who used Arguments to his Country-men, to Infringe their Oath, and *Fraustius* was as Active in dissuading his from committing any such Absurdity. For a long time nothing was known of this their Difference; but at last, being at the Emperors Table, and heated with Wine, they freely declared their Judgments, and flew to high, that he put an End to the Entertainment. Being gone from Court, they were so enraged by each others Words, that *Fraustius* drew, and killed *Prinfus*; at which fight, the Soldiers that were about them, were so nettled, that they had done the like by *Fraustius* himself; but that they were hindered by the Emperors Guards, which suppressed the Tumult. *Theodosius* having Notice of what had passed, made little of it, but suffered them in this sort to make an End one of another. As for the Ambassadors, he dismissed them altogether deceived with his Pretences and fair Words, and, after their Departure, applied himself to Military Preparations.

4. This while he did, he neglected not Matters of Civil Concernment, as appears by several of his Constitutions. Upon the Courts of Corporations he still had his Eye, upon the well Government of which depended the quiet of the several Provinces. As in the Schole of the *Domesticks*, there was one *Primicerius*, or Head, whom followed Ten others the Chief in Number; and as in the Great Senate, there was one they termed *Princeps Senator*, who was first asked his Opinion; so in these Inferior Senates, there was one they called *Primus*; on whom now *Theodosius* thought fit to confer the Honour and Degree of *Comes* of the Third Rank. Hereby he received Immunity from Tortures, and all Injuries, and posibly from all Collations or Charges belonging to Senators; but still he will have him, for all this Honour, bound to the Duties and Ties arising from his Birth, as still belonging to the Body, of which he was a Member. There was need at this Time of extending, though not this Honour, yet his Protection, to others of these Courts. For his Military Officers, whom we find to have been much Cherished by him, out of respect to the need he frequently had of them, were now exceeding high, and miserably oppressed the poor *Curiales*, especially those amongst them called *Principales*, who Exacted the Tributes, and were to Protect the Country People; Beating and Torturing them at their Pleasure. This appears by an Oration of *Libanian*, Published by *Gothofred*, which he made this very Year, as the Translator concludes, upon great Presumptions. For now *Theodosius* took notice of this their Inference, by an Edict directed to *Abundantius*, by the Title of *Comes*, and *Magister utriusq; Militiæ*; wherein he Charges and Commands, That Military Men have nothing at all to do with the *Curie*; nor meddle with that wherein they had no Authority: That no Tribune, be he *Dux* or *Comes*, offer to beat, abuse, or touch any Principal *Curialis*. If any hereafter shall be so Rash and Inconsiderate, as to dare to do it, or injure any of these *Principal* Men, he will have him know, that he shall incur a Fine of Ten Pounds of Gold.

5. About this Time the Country of *Illyricum*, for that the Barbarians had been very troublesome to the Provinces thereof, or for other Reasons, stood in great need of holding Assemblies, to make known and redress their Grievs; but there was some Doubt again, how they ought to be Called and Managed. To explain this Doubt, we find two several Edicts Incribed to *Apodemius* the *Præfatus Pretorio* of that District, within the space of seven Weeks and less; the one bearing Date on the Twenty Eighth of July, and the other of the Tenth of September. We have formerly told the Reader, how these Councils or Assemblies of the Provinces were either *Ordinarij*, (afterward by *Honorius* fixed to the Time Intervening from the *Ides*, or Thirtieth of August, to the *Ides*, or Thirtieth of September) held once a year, or else were extraordinary, upon some pressing Occasion, which required some sudden help; when the Prince was to be sent to, or the *Præfatus Pretorio*, who was next unto him. Concerning the latter Sort, or extraordinary, he seems now Confused, and Answers, as to the Power by which, and the Time, at which they were to be Assembled. The Power of Calling or Appointing it, he declares to be in the *Præfatus*, yet with the Assent of the *Provinciales*; neither was he by his Authority to disturb or govern it; as in the Church, (as *Gothofred* tells you) the Right of Appointing the Times of Councils doth not infer any Absolute Power. For the Place, he will have it Summoned to the Richest or most Populous City of the whole Province, which he signifies ought not to be grudging by others, as if they were thereby injured; for great Emulations there was wont to be betwixt them, and Contentions which of them should have these Assemblies; in which the

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L. 127. de  
Dicriminib.  
Cod. Th. de  
Priv. Rel. Jul.  
de Abst. a Cæd.  
J. 19.L. 128. iij. pl.  
in Cod. Th.  
de L. 42. Cod.  
de Jul. cod. tit.  
de Priv. Rel. Aug.L. 12. 13.  
de Legat. Off.  
Cod. Th. de L.  
5. Cod. Jul.  
de iud. tit.

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In Severe ac-  
cusing Judges  
that oppress  
their Provin-  
cials.Zosimus his  
Reflections  
upon him.

Judges should Winter; and in other things, wherein their Profit was concerned. In the most Populous Cities, he will have the largest Places to be chosen for the Meeting, where most may come together, that matters relating to all may not be determined by a few. As for the Persons which were to Constitute the Assemblies, he Wills, that all Sorts be admitted, and come thither; not only the Common People, and the *Curiales*, and Owners of Lands, but the *Primates* of Cities, Villages, or Castles, and all the *Honorati*, or such as had borne Offices, except Persons of *Præfectorian* Rank, or such as had exercised the Office of *Præfatus*. Those in the former Law he would have Consulted in their own Houses; as the Laws allow Persons of Dignity to give Testimony at Home, and to be gone to upon other Occasions, to preserve their Honour, and yet that their Advice may not be wanting. But in the latter, he alters his Mind, giving Liberty to all of *Præfectorian* Rank, or *Primates*, either to be present in the Assemblies, where Place and Respect should be allowed them, according to their Quality, or, if they pleased, they might send their Proctors or Deputies to declare their Opinions; as in other Matters the Laws permit Dignified Persons to make their Proxies, and sometimes constrain them so to do. In the last Place, he will have that alone Authentick and Good, to which the Major Part shall assent, as is, and ever was the General Rule; however at this Day, in the Northern Parts of Europe, the Dissent of one Deputy makes Fruitless the Meeting and Debates of the whole Assembly.

6. Toward the latter end of this Year he received Information, true or false, That some Publick Officers or Governors of the Provinces Oppressed, and exercised Rapine, in the Places committed to their Trust, against which Crime he now proceeded with all Severity. He directed a Constitution to *Rufinus*, lately advanced to be *Præfatus Pretorio* in the room of *Tatianus*, wherein he tells him, That by former Laws, such Judges as had afflicted the Provinces by the Crime he terms *Peculatus*, should be subject to the Penalty of a Mulct. But so far as such this Punishment is not adequate to the Offence, nor the Vengeance taken suitable to the Sin, he is pleased to change it by a more severe Censure; that whereas formerly can a Punishment be found fit for such Wickedness, nor for great Villany be Expiated by Conding Torture, the Penalty Incurred shall be Death, and the Crime be Redressed by the most Severe Animadversion. Indeed, by the Ancient Laws, one sort of that they called *Peculatus*, viz. Converting the Publick Money, belonging to the Treasury, (taken in War, or raised out of Mines) to ones own use, was punished by a Forfeiture of Four-fold; and by this Name was also understood the Suppression or Stealing of Monies, belonging to the Cities and Provinces. But Oppression, and exercising Rapine upon the Subject himself, is also Signified by this Word, and the Wording of the Law seems to aim at the same Offence; of which *Rufinus*, the newly Advanced *Præfatus*, either found, or made some Persons Guilty. We must know, that of late he was crept into great Favour with the Emperor, and Contrived the Ruine of his Predecessor, and Accomplished it in this following manner, if you believe *Zosimus*, whose Story that we may relate, we shall utter it in with the same Reflections that he makes upon *Theodosius*.

7. Being Returned to *Constantinople*, (after his Disguise, and the Success of *Promotus* he was much Elevated for the Victory he had obtained against *Maximus*, but being yet very sad upon what the Barbarians attempted upon him, and his whole Army, he Resolved to bid farewell to all Wars, and Contentions that way. Having committed to *Promotus* the Care of such like Matters, he himself calling to mind his former Course of Life, made Magnificent Suppers, and was Curious in devising Pleasures, frequenting the Theatres, and the Games in the Circus. And here, faith he, I cannot but admire the Humour of this Man, and his Course of Living, which was easily inclinable both ways. For, whereas by Nature he was Sluggish, and given to Supine Negligence, and the Vices above recited; and if no sad or formidable Thing afforded him Trouble, he gave up to Reins to Luxury; yet if any such Necessity pressed him as endangered his Estate, he put off his Sloth, and bidding farewell to his Pleasures, resumed a Manly Course, and Returned to a Laborious and Painful way of Life. Then again, though by such Experience Instructed, when freed from his Cares and Fears, he would subject himself to the Vices of his Lazy and Slothful Genius, which by Nature were incident unto him. But of all his Officers, to whom he committed any Charge, the most he set by was *Rufinus*, a Celtic, Gall by Nation, and Master of his

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Vide l. 25.  
de Praescrip-  
tione Cod. Jul.  
lib. 2. tit. 13.Præfatus fuerat  
constitutionem ut  
huiusmodi qui peculatus  
provinciarum  
quælibet, morte dignen-  
dis subjec-  
rent. Sed quo-  
rum Cod. Th.  
L. 1. de Crimi-  
nibus Praescrip-  
tione Cod. Th.  
lib. 5. tit. 28.  
L. 2. de Crimi-  
nibus Praescrip-  
tione Cod. Th.  
lib. 5. tit. 28.  
J. 1. de Crimi-  
nibus Praescrip-  
tione Cod. Th.  
lib. 5. tit. 28.  
L. 1. de Crimi-  
nibus Praescrip-  
tione Cod. Th.  
lib. 5. tit. 28.

Zosimus p. 773.

H h 2



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*Rufinus the  
new Praefectus  
Pretorio cau-  
seth Promotus  
to be murder-  
ed.*

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**Procures Proculus to be Beheaded.**

*Totodesius*  
publisheth  
Edicts in be-  
half of Wives

*Vide Chronic.  
Tirod.  
Effera tor-  
quebant avidi  
præcordia cura  
Effugeret  
nequis gladio  
neq. perderet  
ullum,  
Augusto mis-  
erante, nefas,  
&c.*

Chap.II.

Sect.5.

And Hus-  
bands.

Advanceth his  
Son *Honorius*  
to the Dignity  
of Emperor.

He rescinds  
the Acts of  
*Tatianus*.

### Refrains Military Officers from meddling in Civil Matters.

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3 9 3

A.D.  
893.  
L. C.

Ecclesie  
Christiane Cen  
ia 4. ad  
292.

12, 13.  
Воніс про-  
рочит. Сом  
Абсурт. д  
Жуф.

2. de An-  
s & Tribu-  
Cod. Tb.  
Prid. Id.  
t.

nic. de Of  
 Judicans  
 itarium.  
 Tb. lib. I  
 p. & L. I.  
 Ju? cod  
 Dat. Con-  
 inop. prid  
 Feb.





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ter the death of *Flaccilla*, when only one Son of *Theodosius* was *Augustus*, and when he made preparations for his Expedition against the Ullurper *Maximus*. Then, besides, it fell out in the Winter season before *Leut* 3 and *Christom* faith that the Pardon granted to the *Antiochians* was with them before *Easter*, and therefore this our Law could not be it, which is dated on the ninth of *August*, and is inscribed to *Rufinus*, as *Præfessus Prætorio*; whereas there was no such *Præfess* that had any thing to do in the *Antiochian* Tumult, which therefore fell out in the year CCCLXXXVII. as we have already set it. Some others assign as an occasion of this Law what *Sozomen* writes concerning a Person *Illustris* by Dignity, condemned by *Gratian*, for having reviled him, and freed by the intervention of *Ambrase* the Bishop of *Milan*; but very wide, as if this had been made by *Gratian*, dead long before, and of which *Theodosius* was the Author. *Gothofred* rejecting these several opinions, from the Law lately spoken of, which with this is rational thought to have made up one Constitution, conjectures that the immediate occasion proceeded from the licentious liberty of the *Curiales*, at this time taken (and probably by those of *Antioch*) to speak against the Emperor and his Government. For although that Law be not at all of this Drift or Design, yet they being directed to the same Person at the same time, nay making up one and the same Constitution, and the one being made for rectifying matters belonging to the *Curiales*, he concludes with some Reason, that they were the Persons aimed at in both. For indeed the *Curiales* were the substantial Inhabitants of Cities and Towns, and of them the Body of the Commons of the Empire consisted; below them were such persons as the meanness of their Estates and Conditions rendered them inconsiderable, and above were the *Honorati*, who had discharged great Offices, and those who were in actual possession of them. Now, to put them into this Sawcy and Tumultuous Humour, some of the foregoing things which they esteemed Grievances might give occasion. As the rigorous suppression of Paganism now carried on; the greatness of *Rufinus*, who probably afforded too much occasion for Envy; his proceedings against *Tatianus* and his Son; or possibly, there were some Acts of *Tatianus* and *Proculus* which were too severe in Correcting the Petulance of the Tongues of the *Curiales*, and upon suggestion of *Rufinus*, they seemed fit to be Repealed, and the like for the time to come Restrained, as we see several of their Orders and Methods in Proceedings were nullified. Whatever the Occasion was, he thought fit to restrain the Violence of the Judges, who often would be double diligent, and busy in punishing such like Offences, thereby to ingratiate themselves with the Emperor. He doth not say that they should be wholly neglected and passed by, as some have erroneously concluded; but the whole matter related to himself, who thereupon no doubt would proceed with that great Prudence he hints at, in weighing the Sayings of men by their Persons, Qualities and Conditions; and according to those three Acts of Clemency, *viz. Contempt, Pity and Pardon* (or *Indulgence*) which he opposeth against so many Originals or Sources of this Opprobrious Language.

Laws for filling up Corporations.

19. However the *Curiales* behaved themselves at this time, it appears that the *Curie* in the *East* were much Exhausted by some means or other; for in the space of one year and an half, besides the Law lately mentioned, as part of this Constitution, were five others directed to this *Rufinus* for filling them up, by recalling their Members from other Employments to which they had betaken themselves. Besides, in this now named Law, he Commands that such Inhabitants and those which they termed *Vacantes*, or were not joyned to any other Body, shall also be forced to these Services, provided they be fit Persons, having sufficient Estates, which *Valentinian* the Third afterward limited to the Value of three hundred *Solidi* at least, permitting others to be made Clerks. But *Theodosius* forbids that any one be obliged only for this Reason, That his Mother was descended from a *Cum-riddle*; so that the Privilege granted formerly by *Julian* to the *Antiochians*, seems abrogated by this Law; but the Reason he gives for it is this general one, That no man can be obliged to any Condition or Service, by relation to that Person which it self is free or not obnoxious to it, as the Mother was not. But not only were these Senates of the City Empty at this time, but the Senators of *Constantinople*, many of them, so indigent, that the Senate it self taking their Case into Consideration, made a *Senatusconsultum* thereupon, That such Senators as could not pay that which they called *Glebalis Collatio*, should be answerable for seven *Solidi* yearly for their Portion or Share. If they thought fit to pay it, then they might continue in their Station, or else they must relinquish the Dignity, which

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L. 137. de De-  
toribus, Cod.  
7b.L. 4. de Sena-  
toribus & de  
Glebalis, C.  
Cod. Theod. de  
a. cod. 78b.  
de Sen. ad Ar-  
dianum P. 1.  
Sext. 4b.

Theodosius

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*Theodosius* adds to the *Senatusconsultum*, as the Custom was in this Age for Emperors to confirm these Decrees of the Senate, to Corroborate them, and to add what Penalty they thought fit. This now was thought reasonable in the Eastern Parts; whereas in the West, the payment of two *Fulles* seemed enough for the Senators of lowest Fortunes; but to *Theodosius* intended both to gratify Senators of lowest Estates, and yet exact what to him seemed something agreeable to the Dignity of the Place. But as the Condition of these several Bodies now mentioned seem at this time Impaired; so that of the *Nauicularii* also was in no good Estate, some complaining that they were too poor to undergo the Function, and others pretending, that by reason of their Original they were not obliged to the Service. The whole state of the Matter did now *Theodosius* refer to the most approved *Honorati* in every Province for Wisdom and Fidelity. But because they might also be concerned themselves; (out of whom the Body of the *Nauicularii* by some Laws was to be supplied) therefore in this Matter also he requires, that their Judgment herein be reported to himself, the best Course to keep Judges firm to the Rules of Prudence and Moderation. But for the Incouragement of such as should be continued in the Service, wherein the Maintenance of the City of *Constantinople* was so much concerned, he declared by another Edict directed, as the other to *Rufinus*, that the *Nauicularii*, and they only, should be freed from the *Vestigialia*, or Customs arising from Merchandise Imported: And all other Merchants whatsoever, (though some as the *Veterani* and *Clerici*, were otherwise, by some Laws, excused) should be obliged to those Duties, without any Exception.

Another for the *Nauicularii*.

Arbogastes invades the Territories of the Franks.

20. The CCCXCIV. Year of Our Lord had for Consuls *Arcadius Augustus* the third time, and *Honorius Augustus* the second. *Rufinus* still continued *Præfessus Prætorio* of the *East*; and one *Herodes* was Proconsul of *Africk*, being Succeeded the following Year by one *Theodorus*. All this Winter was, as well as the preceding Year, spent by *Theodosius* in Preparation for the War, for which by this time he was fully ready. As a Christian, he made use of the Means which True Religion directeth to, for accomplishment of that End he justly designed; while his Enemy in the Western Parts applied himself to Paganish Superstitions and Vanities, by Persuasion of *Flavianus* the *Præfess*, who being of Ethnick Persuasion, promised himself great Matters for Propagation of that Impiety, which now so fast fell to the ground, before the Power of Truth. *Arbogastes* in the mean time having secured *Gall*, prosecuted his old Grudges against those of his own Nation; particularly *Suno* and *Marcomeres*. Two *Subreguli* of the *Franks*, whom having now the Power of the Western Empire in his Hands, he resolved to sacrifice to the Ghosts of his Ancestors. For this Purpose, in the depth of that Winter which followed the Death of *Valentinian*, he removed to *Agrippina*, or *Coleigne*, with Resolution to range over the most inward recesses of the Country then inhabited by the *Franks*, at such time as the Woods being dry and without Leaves, could not afford lurking Holes or Receptracles for any Ambuscadoes. He passed the *Rhine*, and wasted the *Bructeri*, that lay next the River with a Village called *Actia*, inhabited by some of the *Chamani*, without any Opposition, save that some few of the *Amplivarii* and *Chatti* shewed themselves on the farther Hills, being led by the late mentioned *Marcomeres*. The next Year preceding that whereof now we write, *Eugenius* (or *Arbogastes* for him) was mightily inflamed with a Desire of Yoaking *Italy* in the same Bondage with *Gall*, not remembering how *Maximus* his Predecessor (as we may term him) fired in the same Attempt: but *Flavianus* his *Præfess*, a Man given up to Pagan Prophecies, puffed him up with hope of Victory. Before he should begin his Journey, he concluded, that the *Germani*, whom he was to leave at his Back, were to be obliged to terms of a Fair Understanding, left in his Absence, they should pass the *Rhine*, and harraße *Gall*. He Marched to the River, and on the Bank thereof shewed himself with great Numbers of Men he had newly raised, to the Nations of the *Franks* and *Alamanni*; and by the Terror thereof drew them to renew the League. This, so well performed, he returned, and with *Arbogastes* invaded *Italy*; which after his Entrance into *Milan*, he easily got into his Power.

Eugenius gets Italy into his Power.

4. *Theodosius* having Intelligence hereof resolved to set himself, with all Convenience, against such Tyranny and Usurpation; and for this Purpose caused all the Forces he had raised to Muster at *Constantinople*; amongst which were Multitudes of *Gothi*, *Alani* and *Hunni*. For his Chief Officers, he made choice of *Timasius* to Command the *Romans*, together with *Stilicho*, or *Stelicho*, as *Zosimus* calls him, who Writes, That he was Married to *Servus*, *Theodosius* his Brothers Daugh-

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L. 22. de *Nauiculariis* Cod.  
Theod. 3.  
Nov. Sept. Ab-  
est a Cod. 78b.L. 23. 19. de  
11b. Dist. 3.  
de Decretis,  
Abest a Cod.  
78b.

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Arcadius 3.

Honorio 2.

A. A. Cof.

Sigen. 441  
174b.

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Theod. Supra-  
pares to go  
against him.

ter. The *Barbarians* he Committed to the Leading of *Gaius*, *Sauler*, and *Bacurius* an *Armenian* Born, one of Honest Principles, and well Skill'd in Martial Affairs. Amongst the Officers of the *Goths*, *Alarich* now Served, that Famous *Alarich* that afterwards took *Rome*, and first of others brought the *Barbarians* to Invade *Italy*. Having thus Prepared for his Expedition, *Zosimus* tells us, That his Wife *Galla* died in Childbed, when he was ready to set forward, whom having once bemoaned after *Homer's* manner, he departed. But *Arcadius* his Son, whom he had formerly declared Emperor, he left behind him; and because he was but Young, he Committed him to the Charge of *Rufinus*, who was now to Govern all Matters according to his own Will, and Appetite. As to the Time when *Theodosius* began his March, we find by the Dates of several Laws, that in the Months of *January*, *February*, and *March*, he was still at *Constantinople*, where, while he continued, by his Endeavours for True Religion, and the removing of Grievances from his People, he Exercised himself as became one who was about such an Undertaking, wherein the Safety of the State, and his own Person and Family was concerned. But certain Customs there were of these Times, to which he could not but submit; some things which could not so well be amended. The Empire was so great, the Provinces so many, and so manifold the Business arising out of them, that besides the ordinary and set Ways and Courts of Administering Justice by his Officers, there was a Necessity of his being intrusted and moved by those about him in Particular Concernments of Private Persons and Bodies Politick. Those that thus Solicited and Moved, were termed in this Age *Suffragatores*, and their Solicitation or Moving *Suffragium*, for which they were wont to receive Rewards, and that by Agreement from their Clients. Hereupon much Oppression and Contentions often happened, while sometimes those that had obtained their Desires, and done their Business, were ingrateful to them that had employed their Time and Labour therein, and often, they that Solicited in their behalf, threatened, troubled, and exacted more, than was just and reasonable, from the Suitors.

22. To prevent these Disorders, he published now an Edict, Inscribed to *Rufinus*, before his departing from *Constantinople*; wherein he Ordains, in Case such a Promise have been made, of what force it shall be, and what Action it shall produce. In the first place he declares, That such Agreements shall be performed, and he grants Cause of Action against those that had so engaged themselves, otherwise than what *Julian* formerly Ordained concerning such as procured Persons to solicit for Honours to be conferred on them, and promised Rewards for obtaining the thing desired, that if those that Solicited had already got into their Hands the Fee or Reward they might keep it; but otherwise no Liberty to Sue would he grant. But this Indulgence he would have only extended to such as had obtained what they went about. And in Case the Party had agreed to give any thing Moveable, as Money, an Horse, or other Things, the Delivery of the Thing should suffice to alter the Propriety in it, without the Intervention of any Writing, or any Publick Record to be made thereupon. But in Case any Thing Immoveable, as Land lying in City or Country; then for changing the Propriety, he requires Three Things: First, That it be done by Writing, as is requisite in other Matters of Consequence; then that there be a real Delivery of Possession; And in the last Place, That the Matter be Registered or Attested by Publick Acts: otherwise if any of these Solemnities be wanting, there shall be no transferring of the Dominion, or, as we say, the Propriety in the Things; as in other Cases, all are null and void, which are not transacted in the Essentiall Forme prescribed by the Laws. And good Reason there was, that Lands and Inheritances should not be transferred without these Conditions, lest Persons distressed, when they had Business at Court, should, by the greedy Courtiers, be drawn in, and cheated of their Estates, who would often, out of Covetousness, promise to do what they could not, or ought not to attempt, or would not be worth what they so greedily desired in way of Recompence for the Undertaking. On the other side, a Concurrence of all these Circumstances would shew, that the Agreement was transacted bona fide, without any Cheat, or Circumvention. In the last Place, the Emperor declares, That in Case the Party had by a Writing called in those Days *Communitorium*, (wherewith he expressed his Desire to have the Thing done, and promised to give so much in Reward) obliged himself to such and such Terms; if hereupon only, and without the other necessary Solemnities, the *Suffragator* Seized upon any Lands or Immoveables, he should be Outed again of such Possession, as guilty of Rashness and Violence, and the Thing be restored to its former Owner, the Inva-

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He Marches.

He Breaks in-  
to Italy.

der being excluded from any Claim or Suit for that Thing for which he sought, without being his own Judge, in a fair way to have proceeded.

23. Now to attend *Theodosius* on his Journey Westward, on the Thirteenth of *May*, we find him at *Heraclea*, by the Date of a certain Law, whereby he forbids, That any Officials belonging to any *Conjularie* (as of *Paphlagonia* or *Phenice*) taken from out of the Office of the *Comes* (of the East) or out of that of *Rufinus*, to whom he gives the Title of *Caluren vestrum*, be suffered to fly, and betake themselves to the Army. From *Heraclea* he removed to *Hadrianople*, where he lay on the Seventeenth of *June*, as appears by another Edict of Religious Concernment, not in this Place to be meddled with. Henceforth we cannot trace him by any Dates of Laws, there being none extant that after this time can be attributed unto him. But from *Thrace* he moved into *Pannonia*, while, in the mean time, *Eugenius*, encouraged by the South-sayings of *Flavianus*, who promised him Victory, which should be accompanied with the Ruine of Christian Religion, being aware of his coming, got together a vast Body of Men. Resolving to expect him rather at the Threshold, than within the Bowels of *Italy*, he quitted *Milan*, together with *Arbogastes* and *Flavianus*, affirming by Oath, That when he came back, he would make a Stable of the great Church, and cause the Clerks thereof to take Arms. Proceeding as far as *Aquileia*, he came and incamped himself by a River called *Frigidus*, distant some Thirty Miles from that City, and as *Sozomen* writes, he seized and secured the *Juhon Alps*, being the Gates of *Italy*, as affording but one Passage, Fortified on both sides by vast Rocks and Mountains. *Theodosius* from *Pannonia* marched directly to these Straits, and driving out the Guards set to defend them, quite contrary to the Expectation of the Enemy, brake through, *Flavianus* here dying, when he might have escaped, as by mistake some write. Having without much trouble passed the Mountain, on the Seventh of *September*, he descended into the Plain, and offered Battel, which was as readily accepted, the Soldiers on both sides being inflamed with a Desire of Fighting. *Theodosius* Erected the Standard of our *Saviour*, and *Eugenius* that of *Hercules*. The Emperor disposed his Army into two Battalions, in the one of which stood the *Romans*, and in the other, such *Barbarians* as had come over to his Service. The *Romans* against *Romans* fought Manfully, and the Success was doubtful; but the *Barbarians* on the Emperors side were worsted, and forced to retire with great Slaughter; and besides, aloof on a Hill, he discovered a Body of Men, which he apprehended might fall down upon his Back.

24. Being in such Straights as he knew not how to extricate himself, he fell down on his Knees at the Head of the Army, and humbly Implored the Assistance of his Maker, saying, *Help me O Lord I beseech thee, lest the Pagans say, where is now the God of Theodosius*. And his Prayer had a speedy Return. For presently the Officers of that Party, which he saw upon the Mountain, sent to him, and offered to come in upon Honourable Terms of being preferred by him, which he readily granted, and having neither Ink nor Paper at Hand, he took a Writing Table from some there present, and therein promised, that they should have the Command of those Forces they should bring over to him. Hereupon out of Hand they joyined with him; but still the Event seemed very dubious, till *Bacurius*, who commanded the *Barbarians* that were disadvantageously engaged, stirred up his own Spirits, and the Courage of his Followers to such a Degree, that falling on with greater Violence, and renewing the Fight, they either killed, or forced to run, those with whom they were engaged. In other Places however, the Enemy stood his Ground, and *Eugenius*, for whom they fought, riding up and down, exhorted them to Constancy as secure of the Day, telling them he was well assured, that *Theodosius*, out of desperation, would speedily lay violent hands upon himself; but he desired they would not let him so escape, but bring him alive into his Presence. Now arose a most violent Tempest, such as no Man alive could remember, which drove with that violence upon the Army of the Usurper, that they could not keep themselves in order. It's reported, That the Arrows they let fly against *Theodosius* his Men, were retorted back upon those that shot them; that their Targets were forced out of their Hands, and driven against their own Faces, and their Eyes so disturbed with Wind and Dust, that their Sight was thereby taken from them. On the other hand, such Darts or Arrows as *Theodosius* his Soldiers Shot, did double Execution, whereby Animated to go high a Measure as the Matter suggested, with all Alacrity they improved the Advantage, and so far prevailed upon the Discouraged Enemy, as quickly to put them to the Rout. *Sozomen*, *Orosius*, and others, relate

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394.L. 18. de co-  
muni lib. ced.  
Theodosius.  
R. 1. Jan. ad  
1. 1. de co. lib.  
L. 23. de He-  
retica ced. The.Lib. 7. c. c.  
22. 24.Defenses him  
in Battel.



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late the Matter after this Manner; though a Story different in Circumstances be told by *Zosimus*, and such as follow him. *Zosimus* tells us, That *Theodosius* passing the Alps in so unexpected a manner, terrified *Eugenius* with the suddenness of his coming. That the Emperor thought fit first to try what the Barbarians could do, and sent *Gaius* to Ingrave, who was followed by all, both Horse and Foot, that consisted of the Northern Nations. Against them *Eugenius* led forth his Men, and the whole Armies engaged, when in the time of the Fight, so great an Eclipse of the Sun happened, that the greatest part of the time it seemed to be Night rather than Day. And the Battle being fought as it were in the Night Season, so vast a Slaughter was made, that the greatest Part of *Theodosius* his Confederates miscarried, together with *Bacurius* their Captain, who most valiantly exposed himself to all Dangers before his Men.

25. The real Night coming on, both Parties retreated to their Camps, and *Eugenius* pushed up with Victory, distributed Rewards to such as had best deserved; and permitted them to take their Supper, as not thinking of any more Fighting after such a Defeat. *Theodorite* relates how *Theodosius* was now advised by his Captains to put off the Matter till the following Spring, and then to come with greater Forces, to be able to grapple with the Usurper in Numbers. However, *Zosimus* farther Writes, That when *Eugenius* his Men were taking their Repaste, *Theodosius* perceiving the Day to be Dawning, with all the Remainers of his Forces fell upon them, while they yet lay upon the Ground, and Killed them, when they dreamt not at all of any such Thing. That going on to the Tent of *Eugenius*, he fell upon his Guard, and Killed also most of them, but some fled for it, and were taken, with whom was found *Eugenius* himself. He being taken, his Head was Cut from his Shoulders, and being set upon a long Pole, was carried round about the Camp, to let those of his Party, who still stood refractory, know, that seeing they would be Esteemed *Romans*, they ought to return to Obedience to their Emperor, especially the Tyrant being now Extinct. And in a manner, all those who survived the Battle, came speedily in to him, Saluted him with the Title of *Augustus*, and begged Pardon for what they had done; which, saith the Writer, he readily granted. As for *Arbogastes*, he desiring not at all to try the good Nature, or Clemency of the Conqueror, fled away into the highest and most Impassable Mountains, where perceiving that all Places were searched by those that were sent to find him out, he killed himself, thinking it better to die a voluntary Death, than to be taken by the Enemy. Thus much writeth *Zosimus* concerning this Victory of *Theodosius*. Others, as to the End of *Eugenius*, say, That certain of his Troops being convinced of their folly to fight against Providence, as despairing now of the Victory, followed their Captain *Arbitio* to the Emperor, and begged Pardon, who were there-upon presently received, and ordered to fetch *Eugenius* to his Presence. He seeing them come in great haste, and concluding it was with News of the Victory, instantly demanded if they had brought *Theodosius* along with them; to which they answered, That they came not to bring him, but to carry himself to the Emperor; and therewith pulling him from his Chair, tied his Hands behind him, and in that Posture carried him along with them. *Theodosius*, when he saw him, recounted to him what Villanous Acts he had committed against *Valentinian*, and jeering him to his Religion, and putting his Confidence in *Hercules*, he Pronounced that Sentence against him which he had deserved, and his Head accordingly being cut off, and laid on a Pole, at the sight of it, his Followers submitted themselves.

And puts him  
to Death.

26. Whether but one, or two days the Fight continued, is not so material; but so writes *Orosius* and others, who, by their Nearness to this very Time, might have as much reason to know as *Zosimus* or *Theodorite*. This is not so Considerable a Circumstance, as that which several relate concerning the Tempest, and the Dreadful Effects it had upon *Eugenius* his Army. And although they be Christian Writers, which relate the manner of this Tempest, and the Consequents thereof, yet are there sufficient hints, and that from Pagan Authors concerning the Truth of the same. *Zosimus*, as it appears by his own Story, was not utterly ignorant of what passed; but to avoid all Pretence of an extraordinary Cause, he tells a Tale of an Eclipse of the Sun, which then should happen at the very time of the Fight; whereas the Sun was eclipsed at that Time we lately mentioned, and the Astronomical Tables are utterly silent as to any Defect of this Luminary, near that of this Engagement. But he took Things upon Trust, and very slight Informations, not caring what he wrote, or he could but drive on his great Design of raising prejudice in his Readers against Christian Princes, and Christianity it self. He tells us, That *Bacurius* was

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by Birth an *Armenian*; whereas *Rufinus* Writes, That he was an *Iberian*, a King of the *Iberians*, and that he was Comes *Domesticorum* to *Theodosius*; that he was a very good Religious Man, being familiarly himself acquainted with him at *Hierapolis*, when he lay there as *Dux* of that Limit; and from him he acknowledges to have received that Relation which he makes concerning the Conversion of the *Iberians* to the Christian Faith in the Days of *Constantine*. As full of Truth is that which he writes concerning *Theodosius* his taking *Honorius* his Son along with him in his Expedition against *Eugenius*; whereas *Claudian* the Poet, besides others, expressly writes of his sending for him after the finishing of the War, and Poetically mentions the several Places, through which he passed into Italy. And as for the Tempest we now spoke of, this same *Claudian*, though as earnest a Pagan as *Zosimus* himself; yet having told how *Theodosius* easily passed the Straits, adds, That a vehement Wind from the Mountains overthrew the Enemies Forces, and drove back their Arrows and Pikes against themselves: In Conclusion, That the Air and Winds and all fought for *Honorius*, to whose good Fortune it is that he ascribes the Victory.

He useth the  
Victory with  
great Moderation.

27. But as to the manner how *Theodosius* used the Victory he had so wonderfully obtained, *Zosimus* tells you, That when the Army of *Eugenius* submitted, and asked Pardon, he easily granted it. And well may we believe him from that Account we have from others concerning his incomparable Clemency shewed towards his Enemies. Some that were yet no Christians, but Conscious of their own Guilt, had fled to a Church, and there taken Sanctuary; upon this occasion he caused them to be made such, and embracing them with Christian Love, he took nothing from them, but on the contrary conferred Honours on them. He suffered none to exercise private Revenge upon those that were Conquered. He managed not his Civil Wars, as did *Cinna*, *Marinus*, *Sylla*, and such like, who would not suffer them to cease when ended; but he rather sorrowed that there was occasion for them, than suffered any to be injured by them after they were brought to a Period. After the Victory he removed to *Milan*, not to *Rome*, as *Zosimus* again mistakes; and thither he sent for his Son *Honorius*, from *Constantinople*, finding himself now, it seems, indisposed, and falling into a Dropsie, which accelerated his Death, and accomplished it within a few Months. In the mean time we hear little of *Arcadius*, and his Governor *Rufinus*, their Transactions at *Constantinople*, only two or three Laws we find made by him in the Absence of his Father. The first of them (for his it must be, if the Place be not mistaken in the Date) is concerning publick Buildings, as to which the Governors of Provinces were at this time to be reprimanded. Some of them were grown so Audacious, as when a New Work was made and finished at the publick Charge, yet they would cause their own Names to be put upon it in room of the Emperors, as Founders and Authors of the Building; whereas they were only allowed to do it as Curators, as having the Charge and Oversight of the Work. But though the Emperors generally (*Trajan* excepted, who was called *Herbas Parietinae*, or *Poliitry*, as *Ammianus* saith it) were Modest and Cautious this way, so as not to inscribe their Names upon Buildings, though repaired in their own Time, so as not to renew the Name of the Founder; nay, though they permitted the Governors to set theirs upon Walls, in that manner, and with the Restrictions lately mentioned; yet would not they contain themselves within the Bounds prescribed by Reason and Modesty. To give a Check therefore to this Idle and Ambitious Course, *Arcadius* declares such Judges guilty of Treason, as Usurping those Privileges which belong to the Prince alone; private Persons excepted, who if they built any Work at their own proper Cost and Charge, were (and that with Reason) permitted by them to transmit their Names to Posterity. But further, whereas these Governors, out of the same Principle of Ambition, would now ordinarily neglect the Repairing of Old Buildings, and Erect New Structures; this Law imposes the same Penalties upon them as formerly had been done, as that they should refund such publick Monies as they had bestowed upon these Works; moreover, finish these Buildings at their own Costs and Charges; and over and above, that they should not be suffered to depart out of their Provinces till both were accomplished. In like manner we have seen, that such *Duces* as, during their Government, had neglected to build Towers or Castles upon the Borders, were forced to continue there till they had done it. And that Governors of Provinces were constrained to abide a certain time in their jurisdictions, to see what Complaints would, by the Provincials, be brought against them.

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Dr. 3. Confutatio  
Theodosii.  
De propter gelli  
de deo de de  
monte praesidio  
Orosius aduoc  
ferat, ut  
latari tale  
Virtutis in au  
dient, et tan  
bina repulsi  
bellas.  
Orosianum di  
hile Dux est  
Judicis ab as  
tra  
Aulus arma  
tas huncus  
cul militat  
ther.  
Et consuevit  
venit ad  
classica vici  
n. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

L. 31. d. Opp  
rius publici.  
ed. Th. Dat. 3.  
Non. Jul.  
Causa.

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Theodosius  
dies.

28. The CCCXCV. Year of Our Lord had for Consuls *Sex. Anicius Olybrius* *AD.*  
*Hermogenes*, and *Sex. Anicius Probinus*. *Rufinus* still continued *Præfatus* *395.*  
*Probinus* of the East, *Dexter* bore this Office in Italy, and *Theodorus* over Gall. *Theodosius* now was thinking of his Journey Eastward, purposing to return speedily  
to *Constantinople*, but was arrested by Death before he could accomplish such Pre-  
parations. And upon the Departure of so great a Soul, several Accidents hap-  
pened, which were reputed as Prefaging such a loss. For betwixt the Victory, and  
his Death, from the Month of September, some Countries were shaken with Earth-  
quakes; excessive Rains fell, and so great Darknes happened, as ordinarily had not  
been observed. But let us hear what *Zosimus* tells of him at parting, after the Battel  
fought with *Eugenius*. "Things, faith he, having thus succeeded, *Theodosius*,  
being now at *Rome*, Declareth *Honorius* his Son Emperor; *Stilicho* being  
made Commander of the Legions in these Parts, and withall assigned Tutor to  
this his Son. Now did he call the Senate to him, which was fixt and constant to  
the Religion and Rites of their Fore-fathers, neither could hitherto be prevailed  
with to consent to such things as had been done in Contempt of the Gods. He  
made a Speech to them, wherein he advised them to Correct their former Error,  
(for so he termed it) and to embrace the Faith of the Christians, which promi-  
sed to his Followers Freedom or Indemnity from all Sin and Impiety. But none  
of them being willing to admit of what he propounded, nor to depart from the  
Rites of their Ancestors, which had been derived down to them from the first Ori-  
ginal of the City; and before them to prefer such an Assent as was void of Rea-  
son, (for they alleged, that for almost One Thousand and Two Hundred Years,  
in the Observation of those Rites, they had Inhabited an Invincible City; and if  
they should change them for others, they were ignorant what might happen) he  
then said, that his Exchequer was burthened with the Expence that was made  
upon Sacrifices and Offerings; and therefore he would abolish such Matters, for-  
asmuch as he neither could approve of such Things, and knew for certain, that  
the Necessities of the Army required a far greater Expence. The Senate an-  
swered, That Sacrifices could not rightly be made, but at the publick Expence;  
yet notwithstanding the Law for such things was abolished, and other were things  
suffered to lie neglected, even whatsoever had been transmitted from their Ancestors;  
and thereupon the *Roman Empire*, by little and little was diminished, and became  
the Home, or Abiding Place of *Barbarians*; or rather having lost all its own Inhabi-  
tants, was now (in his time) reduced to that Condition, that not so much as the  
Places where Cities once stood could be discerned. But the Emperor *Theodo-  
sius* having delivered Italy, Spain, Gall, and besides, all *Africke*, to his Son *Hono-  
rius*, died in his way to *Constantinople*; and his Body, being duly Prepared,  
was Buried with his Predecessors, in the Burying-Place of the Emperors, at  
*Constantinople*.

The time of  
his Death.The Dirt cast  
upon him by  
*Zosimus*.

29. As he began, so he ended, in the Opinion of *Zosimus*, an Enemy to the  
Gods, and the Religion of his Fore-fathers; and how can any imagine, but such an  
Irreligious Person should also be Luxurious, Effeminate, Sluggish, and what not?  
to make him up a Compleat Monster? But before we take a view of his Features in  
this kind, we must first declare, that he died at *Milan*, after his Son *Honorius* his  
Arrival from *Constantinople*, on the sixteenth day of January, when he had Reigned  
sixteen Years wanting a day or two, in the fiftieth Year of his Age, as some have  
reckoned, in the sixtieth, as others, and as some, most improbably, in the fifty fifth.  
With what Character *Zosimus* hath set him forth, we have already sufficiently seen,  
*viz.* as one given up to all Vices of Luxury, to his Belly, and his Ease. These Vi-  
ces of his Temper caused other disorders in the State. For thence came it to pass,  
that to please his Appetite, he maintained a great Number of Cooks, Butlers, and  
such like, about him. This vast Expence, and his Profuseness to unworthy Persons,  
emptied his Coffers so much, that to fill them again he took up bafe and unworthy  
Courses; one in particular, than which nothing could be more disadvantageous to  
the Empire; which was selling Places of Magistracy, and Governments of Pro-  
vinces, to such as would give most for them; so that one might see in the *Forum*  
those who had followed bafe Trades and Professions to wear the Ensigns of Autho-  
rity, and deliver up the Provinces to such as would give the best Penny worth. In  
Conclusion, as hereby he ruined the Civil Government, so did he the Military, in  
making so many *Magistri Militum*, and other great Officers; for finding of Pay  
and Provisions for whom, the People were also miserably harraled. This is the sum  
of

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Wiped off by  
the faster Te-  
limonies of  
other Pagans.As *Pavani*.Who infits  
on his Gifts of  
Fortune.And in these  
Indiscrements  
of his mind.What he did  
together with  
his Father.

of that Infamy wherewith *Zosimus* designed the memory of *Theodosius* to be  
loaded.

30. In a scrutiny into which we shall proceed in no other terms, than we did in the  
matter relating to *Constantine*, and search for naked truth without any partiality; for  
the finding out of which, nothing can be more convenient, than to hear the Testimo-  
nies of other Persons, who had as much reason to be prejudiced against him, upon  
the Account of Religion as *Zosimus* had. We shall not repeat those great things that  
are said of him by *Pacatus* the *Panegyrist*, of which we have already given an Ac-  
count upon his Conquest of *Maximus*, but take notice that before he comes to the  
Defeat of that Tyrant (which was the occasion of his Speech,) he premitteth  
other things in his Commendation. He begins with his Country, which was  
*Spain*, and commending it for its Fertility in Fruits, especially in producing so  
great Persons, as were *Trajan* and *Hadrian*, he magnifies it most in bestowing  
him upon the *Roman Empire*. From his Country he comes to his Family, and  
affirms that, if others had Surnames given them from the Nations which they had  
Conquered, his Father *Theodosius* might well be rendered Famous to Posterity  
by those of *Saxonius*, *Sarmaticus*, and *Alamarius*, having beaten these several Peo-  
ple, as well as forced back the *Scots* into their own Fens. Herein he asserts the  
Nobility of the Person to whom he speaks, that He was the Son of him who  
ought to have been Emperor, who would not have lessened but suited the Gran-  
deur of the *Roman Dominion*, not only by his Valour and Conduct, but also by  
the Stateliness and Dignity of his Person. And he no less commends him the  
Son, for the greatness of his Preference and Personage, as being answerable to his  
Fortune; inasmuch that he asserts it a Question made by them who saw him,  
whether they were more won upon by the Vertue and Goodness of his Mind,  
or the charmings of his Countenance. He tells them that he knows how, not  
long since, he had rejected such Commendations as this: But he intreats him to  
permit that this may make up but a part of his, which was wont to constitute  
the whole of that praise which was given to others. It's true, his Virtue deserved  
an Empire; but withall, his Beauty and Comeliness, added her suffrage also with  
that of Virtue. Virtue made it beehoful that He should Reign, but his shape  
and Stature rendered it decent that he should do so. And indeed, in declaring  
him Emperor, so far was any thing from being omitted which should be consider-  
ed; that a respect to his years was also had, a thing of such Importance with  
their Ancestors, that in bestowing not only the greatest places of Magistracy,  
but also those of *Pretor* and *Ædile*, a Persons age was inquired into; neither  
was any man (ordinarily) preferred for his Nobility, for Favour or Reward, to  
such Offices, before the terms prescribed by the Comitial Law. And with good  
reason. For such as will by Virtue be Adopted in the slippery time of Youth, do  
flumble to prevent falling. He instanceth in *Sulla*, *Catulus* and *Scipio*, who by  
Luxury made Shipwrack of Virtue, and being tossed by the Tempest of Vice,  
were through mature Age scarcely rescued from the Peril of Drowning.

31. But these things were but the gifts of Fortune; he tells him he will now  
defend to such as he ought to himself. For, that glory which he had formerly ob-  
tained by Martial Acts, performed with so much toil were not to be ascribed  
unto her who was worthy of reprehension in this respect, that whom she had desti-  
nated to a Scepter and a Throne, the never used with any manner of Indulgence.  
But as severe Fathers are sharper with those Sons they most love, so the trained  
him up in many Wars, and difficult times that the might fit him by such prepa-  
rations for the Empire. Before he would come to speak of what he had done  
in mature Age he saith he would touch at what he performed jointly with his  
Father, *viz.* that with him he passed over Winters under Skins, or Tents, sweated out  
Summers in the toils of War; either by Watching or Fighting spent both Nights  
and Days, and fought battels of great Consequence both by Sea and Land. Then  
when by reason of a potent Adversary he returned to a private life in *Spain*, he  
enumerates in how many several sorts of labours he busied himself, for the Relief  
of his Friends and Neighbours, and his own Exercise, with as great Commenda-  
tions, as the *Curii*, *Coruncanii* and *Fabritii*, bestook themselves to their Manual  
works when disengaged from Affairs of the State; and in this respect with grea-  
ter praise; for they did it out of Want and Poverty; which pretence lay not  
at all upon him. For, Poverty diminisheth the Honour due to Patience in La-  
bour; and that Labour is of greatest Esteem which is performed without Necessi-  
ty. As the Heavens are in perpetual motion; and all things are preserved and  
perfected.

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Aid while a private man.

perfected by a constant Revolution, so had he been exercised without intermission in one kind of Employment or other, from Spain to Sarmatia, from Illyria to Lifer. And when he had arrived at those years and such a standing in the Military Profession, as might have excused him from taking such pains; yet did he not when he might only have commanded, divide his time betwixt Business and Idleness; and slacken his Industry as one who would live upon that Honour and Reputation he had already got. But he would either in the first place, or to be sure with the first, discharge all Duties belonging to a Souldier; stand Sentinel, Scout and Watch when occasion served; and as his lot fell, toil at the Fortifications; anticipate the Enemy in the choice of Ground; order the Camp; first begin the Fight and come last from it: in conclusion, in Council and Advice demean himself as a Captain, and by Example as a Souldier; so that even then at that time it might have been understood, that others fought for the Emperor but he for himself. Yet this was most to be admired, that whereas he so demeaned himself in every thing, that it was behooful he should Reign, yet with design that he might Reign he never did any thing at all.

His modesty  
in being the  
Emper.

32. As evidence for this he alleageth and instanteth in that Day that was eminent for the Publick Good it brought along with it, wherein when he was called to undertake the Government, he endeavoured to shun that Empire which was offered him: neither did he this only in show, that he might seem to be forced into it, but earnestly and long; and as one that had hope to prevail. Neither was there any cause of Diffimulation. For the Emperor, he tells him, did not sit upon him at home, and when none were present as to try him, but publicly and in the Court or Comitium, when he could do nothing else; so that except he had indeed and in reality been unwilling to accept, he might have done it Securely and with Reputation enough. Here the Panegyrist personates the Commonwealth, which, now frustrated of that hope he had conceived of him by his backwardness to the Promotion, he introduceth thus speaking to him: *Thinkest thou, O Theodosius, that the Fates have been so little tardy thinkers, that thou also indeavourst to increase thy Delays? Art thou ignorant that thereby thine own Concernments are impaired? Knowest thou not that thou thyself art involved in my Delays? Whatsoever the Goth doth waste, whatsoever the Hunn doth ravously snatch, whatsoever the Alan takes away, that in time to come will be missed by Arcadius. I unfortunately have lost Pannonia, I now mourn for the Destruction of Illyricum, and daily behold the Ruine of Gall. The Elder of the Emperors is not sufficient of himself to undertake and manage so great Wars: the Younger, though he is like to prove most Valiant, yet at present is in his Minority. Dost thou stick at erecting and supporting me thus safe, which, that thou maist not defer thine assistance, cannot but be late enough performed. Dost thou thus requite me, who have desired thee for my Prince, when in a happy Condition? When peaceable Nerva, Titus the Love and Delight of Mankind, and Antoninus, memorable for his Piety, were possessed of me; when Augustus adorned me with Walls, Hadrian intrusted me by his Laws, and Trajan added to my Bounds and Limits, I did not think myself happy, because, as yet I was not thine. What wouldst thou do to me if thou wast in thine own Power? Behold, he who is my Lord intreats thee; behold, he who is yet thy Lord and Master beseecheth thee, and he who may compel, yet chuseth rather to request. It is now as unlawful for thee to refuse that Sovereignty which is conferred upon thee by an Emperor, as it would have been wicked to have accepted it without him.*

33. Thou only, O Prince, thou only. (thus he proceedeth) of all that have hitherto Reigned, hast made thyself a Prince indeed. Some the purchased suffrages of the Legions, others the vacancy of the Court, and others Royal Affinity have imposed upon the Commonwealth: thee neither Ambitions seeking, nor Occasion, nor Kindred have created; for thou wast a stranger to the Emperors Family, and wast made the third in order, and being averse wast compelled to it, I say averse. Hear you this you publick Parricides, who forgetting your Faith and Allegiance, have taken the Scepters of your Masters, and by no less danger than wickedness, setting your Lives at Stake for the Empire, have purchased a Royal Name with the price of Blood. Here the Sovereignty it self hath suffered a repulse, and one hath appeared candidate that he might not be elected. Will future Ages believe this, and give us glorious credit in this matter, that in ours such a thing hath been done, which in no times before or after hath been attempted, nor is like to find any Example? But he who shall understand the course

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His good Example which he had accepted it.

In temperance and abstemiousness.

and manner of thy Life will easily give his assent, neither will doubt the Empire to have been refused by one that hath Reigned in such a manner. For, they, even they, may well desire, and that greedily, to Reign, who are delighted with a manner of life that is loosed from the restraints of Law's whole cruelty in killing the Innocent, Covetousness in taking the Estates of private men, and a Lust to contaminate all honest things, required some Law and impunity to support them. What did it concern you to be Prince, who though Emperor was to be a private Person? except perhaps at this day you are more remiss in your love and respect to Modesty, less fearful to shed mans Blood, or have a greater Appetite after those things that belong to others. You are the same you were, and so much you can now do, as formerly by the Laws you might have done. You measure Sovereign Power by being in a condition to do good, not by security in finning. One thing your Advancement hath done for you, that now we are satisfied, that even under other Emperors you lived by the precepts of your own Laws. For He who doth nothing licentiously, when he can with impunity, never had a desire to do it.

34. As soon as you had undertaken the Government, not content to be in your own Person, beyond (or free from) Vice, you set your self to rectify and amend the vicious practices of others; and that by methods of moderation, that you might seem rather to persuade than compel them to honest courses. And because either by reason of a long custom in the East, or the remembrance of former Princes, so great Luxury had infected many persons, that the Habitual wont of Wantonness, now grown strong, appeared as not easy to be amended by other Applications; that no man might think himself injured, You would begin your Censure upon your self, and by retrenching the Expenses of the Palace, not only by rejecting what was superfluous, but scarcely admitting of a necessary Allowance, that which is most difficult in nature you performed, making good men such as were willing now to be reduced. Would any be grieved to admit of such restraint as he sees his Prince impose upon himself, or think much to abate of his private Luxury when he beholds the Emperor, who hath all in his Power, the Lord both of Countries and Men, living sparingly and contentedly, satisfying his hunger and long fasting with mean and Souldierly fare? Besides, when he sees a Court, in every part of it with more hardship to be endured than the Gymnasia (or places of Exercise) of the Spartans, abounding with examples of Pain-taking, Patience and Frugality? When none therein is to be found, who shall dare to require as additional to this Royal manner of Diet, either the Fish of remote Shores, the Fowl of a foreign Air, or the Flowers that are not growing at the same time? These Delicate and Effeminate Princes, to which the Commonwealth was often forced to submit, never thought themselves splendidly served, except in Luxury they turned over the whole years; except Roses swim in their Cups in Winter, except in Summer they corrected their Wine of Falernum, which they drank in capacious Gems, with cold Ice. Our world was too strait for the Throats of these men. For not measuring the goodness of the Dishes set before them by their Taste, but Expense; they were only satisfied with such Meats as were furnished either out of the utmost parts of the East; out of Colchos lying beyond the Roman Pale, or such Seas as are famous for Navigation, which the Perils of men fratched as it were from unwilling Nature, which parted not with them without Reluctancy. To say nothing of those Fowls, who by an infamous sort of choice were inrolled in the Provinces; and those Cohors, which under the Banners of Hunters served at Banquets; have we not heard of a Prince, that had not only his Dinners, but his Dishes of the value of an whole Patrimony of a man of Equestrian Degree? Your Meals, O Emperor, being more spare than those of Ordinary Tables, are only furnished with Provisions of Place and Time. Hence comes it to pass that all are ashamed of Luxury, and now a love and regard to Parsimony hath prevailed, and the Throats of Laws having nothing to work upon, every one hath repented in private. For so it is; so it comes to pass, as Aristotle Command and Correction exasperates; but pleasant and acceptable is that which proceeds from example.

35. Such Influence had this Conduct of yours upon the Manners and Courses of Men. But, yet nothing so much conducing to the rooting out of Vice and Implanting of Virtue, as this, that you constantly adduced your self to the society of those Persons whose practice ought to be imitated universally. To say nothing of those upon whom you light the very first day of your Promotion, Persons of such Virtue, that they might seem not taken out of the Crowd, but de-

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And Themistius.

mony of as great an Orator and Philosopher as any in his time, in the Greek Language, and that is *Themistius*, who in these or other respects will confront *Zephyrus* his Accuser. The fifth of his Orations now extant, was made in the Senate, and bears this Title, *Concerning the Humanity or Good Nature of Theodosius*. He begins with a story how, when *Lycurgus* the Spartan, entered the Temple of *Apollo* at *Diplax*, the *Pythia* or Prophets told him, that the knew not whether to call him God or Man, but of the two, rather the former. Of this he demands the Reason of *Apollo*; why he thought fit to call *Lycurgus* a God. Whether it was for the renowned Victories, or because he gathered together the Bodies of his slain Enemies. Or was it, faith he, because he was incircled with a Guard of those that bore Spears and Darts shining with Gold? Or for that Golden Chariots, drawn with *Nysæan* Horses, went in procession before him? Or lastly, because he glistened with Golden Chains, a Train and Purple? Indeed the Entertainer of *Xerxes* at the *Hellaspont*, by such Pomp and Gaudy Furniture, was drawn into Admiration, so as to term that Son of *Darius* a God. Yet I (*Apollo* would say) knew that little account was to be made of such matters, which are possessed by most wicked and foolish Princes. Whom it is so far unfit to term Gods, that it is not decent to call them Men; as even that very *Xerxes*, who was so far senseless and mad as to chastise the Sea, and to put Fetters upon the *Hellaspont*. As for me, if any should ask the question whether he was a God or Man, I should a little doubt how to answer it; but whether to call him a Man or a Beast, I should rather consider.

39. Neither did I doubt at all concerning *Nero*, many Ages after, Emperor of the Romans, when he came to this Temple, whether or no it was some God that came to me; for I knew very well that under the shape of a man a Beast was covered. Though he appeared in the posture of holding an Horse in his Hand, and in the State of such a Musician, as Poets and Painters think to be acceptable to me. Because he was a Fool and a Sor, and had filled the Empire not only with external, but also domestic slaughters; I rejoiced not at his coming; but abhorred and abominated him so much, that at his going away I intangled a Fillet in his Hair, and pulled therewith his Crown from off his Head. Neither did I much Esteem *Cresus*, the King of *Lydia*, though he filled my House partly with whole, and partly with half Tiles of Gold; for that compellation of *Sophist* proceeded from Luxury and not from Virtue. The matter standing thus, what could I see in *Lycurgus* when I called him a God rather than a Man? Even good Nature, Justice and Piety; and Humanity the chief of all these, by the benefit of which alone Kings come to be like unto God himself. For, he having taken into his Hands the Affairs of *Sparta*, which was then in a disturbed Condition, for want of Laws, and filled with the tumults of War; supplied it both with Peace and excellent Ordinances. And was of so mild and quiet a disposition, that one who had in the Assembly struck out his Eye, whom the *Lacedæmonians* for so doing would have stoned, he preserved and saved from punishment; and having brought him Home to his own House, he informed him, and made him sociable, that from a very bad Citizen, he made him an extraordinary good man. For by returning Injuries, but by well deserving of them by whom he hath been provoked, to Indignation and Revenge.

40. Therefore, faith he, ought you to answer this Question, Dear *Apollo*. If the Governor of one City, or, at most, having the Command of a small part of *Peloponnesus*, who both himself was poor, and governed poor men: who had his Commons in the *Phidonian*, and drank of the Water of *Eurotas*; if he for his good Nature and Clemency caused you to doubt of what appellation he was worthy: what would you say of him, who having the Dominion of almost the whole Earth and Sea; by the means of whom the East is subject to the Roman Empire, the West is quieted; whom all Nations and People do venerate, not only those that are under his Command, but such also as desire to be Governed by him, yet he is indued with such easiness of Nature, such sweetness of Manners and such Mildness, that those who were convicted of Treason, and condemned by the Laws, he hath loosed from that obligation, and recalled from the Gates of Death, to the Sun and light again? Wilt thou doubt and consider whether some God, or some man came into the Temple to us, neither wilt thou pronounce more boldly, than concerning the number of the Dust upon the Earth, that an Heavenly Name belongs to such a Prince? Not long since we looked upon this as a most excellent

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Who infits  
much upon  
his Clemency.

and admirable thing, to see Gold returning from two Treasuries (of the *Largitiones* and *Res Privatas*) to them again, from whom it had been unjustly exacted. But now we have seen Men restored from the Gate of the *Inferi* unto Life, whom the Law truly had sent thither; thence the Prince and Lord of the Laws hath reduced them: who saw plainly, that for one thing a King, and for another thing a Judge, is to be commended; for a Judge is to follow the Dictates of the Laws, but a Prince finds, that sometimes they are to be Corrected, and their severity and hardness declared; he himself being the Living and Breathing Law, now placed in fixed and immovable Letters. For this seems to be the Cause, why the Power of Kings is, by God, sent from Heaven upon the Earth, that there might be a Refuge for Men to fly to, from a fixt and constant Law, to one that's Breathing and Living. Come hither ye Muses which Inhabit this august Temple of Council, and Chant with me that Song, which I am about to sing to him for his late Humanity and Clemency. For your parts, he O Cherishes and Embraces you, that he had made his Empress your Fellow-lodger, and has put her Statue in the same Chapel, where are placed the Images of the Emperor, and his Sons. In this respect your Company and Chorus, by such Communion and Society, will be more August.

41. But you shall not begin your Song, where *Homer* adviseth you to begin. For you shall not sing of Wrath, but of good Nature and Clemency, by which this Prince hath made it manifest to all Men, that the *Niger Calculus*, or Condemnation, is a Thing utterly hateful to him, and estranged from his Nature and Will. And therefore is the contrary most acceptable to him; for it is impossible, that when the Stone (of Sentence or Suffrage) comes into his Hands, it should not turn Colour. He has learnt indeed to toll a Target on either side, either to the right or left; but this *Calculus* or Stone he has learnt only to cast to the right, not to the left: Neither hath he two Pair of Golden Ballances, as *Jupiter* in *Homer*, of Life and Death; neither ever is that of Life pressed down by any deadly Weight or Graines; but that which tends to Death and Darkness settling downward, the other End rises up, and looks toward Heaven. Neither are there two several Barrels placed upon the Emperors Floor, as *Homer* will have two to stand upon the Throne of *Jupiter*, full of Destinies, the one of Good, and the other of Evil. For our Emperor hath no Barrel of Death, but one always full and abounding with Life, which he draws pure and clear from it, and pours upon Men. The Assertion of the *Affrians* (he means the *Jews* or *Christians*) makes very well for this Purpose, which affirms, and that truly, the Heart of the King to be kept in the Hand of God, which cannot incline towards a Writing of Condemnation. For it is necessary, that he who writes such Letters, should fall out of that Hand which perpetually gives Life to all things. In former times, O Emperor! the Consent of the State gave you an Appellation of Divinity; not for that a vast quantity of Gold was in your Power; nor for that you had abundance of Crowns and Purple Robes; not because you had the Power of making a Man Rich from very Poor; for these things are far more inferior than Heaven, and the Image thereof. But because it is in the Power of one God, and one Prince, to be a flow Life; for no Man when he Invokes God, calls him *Victor*, *Triumphator*, *Germanicus*, or *Sybiacus*; but *Lover of Mankind*, *King*, and *Saviour*. Therefore is that Virtue to be Imbraced by you: and by that means it shall come to pass; that that Hand shall never shake you out of it; as in times past it did *Nero*, *Domitian*, and the Son of *Severus*; though not *Trajan*, or *Marcus*, nor *Antonine*, your Country-men and Ancestors, from whom God derived your Government: to us.

42. But, I conceive this Trophy of yours to be much more Famous, than that you set up over the *Scythians*. And yet this you have Erected alone, and without any Assistance of Arms: Nay, so far hath the Sword been from Contributing any thing in this Matter, that therein the Edge of it hath been Blunted: Never did that Son of *Philip* Erect the like, though he pierced from *Macedonia* as far as *India*: yet he easily Conquered *Darius*, and *Parus*; but he himself was overcome by the Drunkenness and Folly of *Chips*. He did not revenge himself upon Wine with Wine, but with the Sword; neither could he bear the Boldness of *Philotas*, who to an Harlot had babbled something too Insolently, but with him he killed his Father *Parmanio*. You have not done thus, Most Divine Emperor, who for the sake of the Innocent have spared the Guilty; and have freed him who had affected certain v. in things, with another who had heard the same through a certain unhappy Fate. Or such Weight with you is every small Matter that conduceth to Clemency. And this

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this is the Cause; By Nature you are Divine: for every one hath need of little incitement or provocation to that to which by Nature he is inclined. Formerly there was no Distinction made in Crimes of this Nature, and it was accounted one and the same Offence, to attempt any unlawful thing, and to have heard the same, though against one's Will. This was to reprove the Nature of Man, for having given him open and large Ears, with a Design that he should not shut them, as he can do his Eyes and Mouth: for this Sense alone, in a manner, is out of our Power and Liberty, and whatever enters there, doth it as into an House that hath no Doors, so necessarily must it receive all things. But you have distinguished the Hearing of the Crime from the Crime itself. Upon the Guilty you have thought fit to admonish no otherwise than by Words. Than which Egregious Act, whereas nothing can be more worthy, yet did you add a Saying thereto more admirable than the Thing itself. For when all admired your Patience and Facility, *therein you alone blamed the slowness of it.* Which was as much as to say, Therefore you grieved, that you had not prevented the Convicted Crime with Pardon, and made the Sentence of Abolution more early than that which passed for the Parties Apprehension.

43. And yet what could be more Swift, than that you were pleased to term Slowness? For you did not diminish your Anger by Degrees, nor by little and little the Fears of those that were accused; neither after Judgment did you doubt, and were anxious what to do: but the forsworn Sentence of Condemnation was prevented by another given by God, which came so suddenly, and without all delay, that many heard of it before the other. For my part, I only heard that Voice, which in its Swiftneſs would have exceeded the bearing of Lamps, which is Celebrated in Honour of *Vulcan*, that which was used (by the *Perſians*) in the long and vast Journeys performed by their Couriers or Poſts; being like those Beacons which are set on fire to give notice from high Situations: so that one happy Noise thereof restrained those drawn and Elevated Swords which were about to give the Stroke. May we call that therefore a Slow Clemency which was not diverted by the Swords which now hung over the Necks of the Guilty Persons? As for *Jupiter in Homer*, as if *Homer* may be believed, although he was his Son, yet could he not undo and recall that Fate which hung over the Head of *Sarpedon*, and when he began to think of it, was diverted from his Purpose by the Entreaties of *Juno*. But this our Prince hath dissolved a Necessity of inexorable Judgment, no less than that, without any regret; his Wife also freely consenting to it, being his perpetual Associate and Partaker in Councils: Moreover, their only and most dear Son following the Authority of them both, whom they Instruct and Educate to the same Courts and Manners, herein imitating both Father and Mother; for that he may be the liker to him, it much concerns him to be indue'd with the same Piety and Clemency. And in such manner were those Persons delivered. But as for them whose Faults were formerly mentioned, and were to be ascribed more to the Nature of their Ears than their Will and Pleasure, was there longer Consultation used, and more delay for their Security? Were not they presently delivered of their Fears; and as if they had never been suspected for any Crime, did they not presently and suddenly keep Holy-days? and instantly change from that abject and idle Habit, wherein they had appeared, to one more Comely and Elegant?

44. This Alteration I much more admire than that of *Ulyſſes*, mentioned in *Homers*; whereby, from a wrinkled and ragged Old Man, *Minerva* changed him into a Splendid Condition by the help of Clothes, and made him strong, and in the Flower of his Age, at such time as he was to be known by his Son. This was only a Change in ſhew, and as to the Superficies of his Body. You have returned their Souls into their Bodies: Neither can I call your Rod or Scepter less Beautiful or Golden than that of *Mercury* is termed by *Homer*: For it recalls not from sleep, but from Death: This is a Fortification stronger than all Iron, this will preserve your Empire much more than those Fires, the cutting open of Veins, and Axes, which when the most cruel Roman Tyrants forced upon their Subjects, they did not thereby repress, but increase their hatred against them. So did not your Ancestors and Progenitors, who were of Opinion, that Subjects might better be kept in order by Shame, and good Will, than by Fear; good Will being a much more strong and invincible a Defence than Fear can be; for that we know, by Fear it could never be vanquished, whereas it hath often Conquered all other Lets and Obstacles. As for Example, such Emperors as have been Famous for Meekneſs, except they were very negligent and careless of their Affairs, if any Conspiracy was hatched against

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against them, without much difficulty they suppressed it: On the Contrary, such as were Cruel and Bloody, who always put to death those they discovered, never wanted such as attempted their Lives. How ridiculous was he who would teach Tyrants how to be secure, by striking down with his Rod the most Tall and Eminent of the Stalks of Corn? for never could he strike down so many, but more and greater would still remain? In this respect the Fear of Tyrants being most unhappy, that when they remove all they suspect out of the way, yet they can never arrive to that Condition as to suspect none at all.

45. I cannot, O Emperor, but remember that Advice which you gave to your Judges when they went to Sit. One there was that said, That the Safety of the Princes was in the first place to be regarded: Nay rather, said you, *their Fame and Reputation.* For length of Life is not that a Prince ought to seek after, but a certain Excellency in Virtue. Otherwile *Diocletian* and *Therius* had grown old in their Domination, whereas their Old Age was nothing else but a more lengthened Infamy. He who is of that Opinion, and esteems his Fame more than his Safety, he judges them for his Enemies who hinder him from Glory and Renown, than those that lay Snare for his Body and Life. Therefore I shall not urge to you any Saying of *Plato*, no not of *Aristotle*; but it will be sufficient if you understand your own Saying, and consider in every Action, whether there be more Honesty or Advantage in it; whether you be acted with Reason that's sincere, and void of disturbance, or your Mind be rather darkened by some affection or perturbation: For, *Disturbance of Mind is the most dangerous of all, that perverts Reason in those who have the greatest Power.* Therefore did the *Perſians* fully call *Cyrus* a Father, *Cambyses* a Lord, and *Darius* an Huchſter: For its Justice that makes a Father of a Common-wealth; Anger and Fierceneſs a Lord, and Covetouſneſs an Huchſter. However, the Appellation of Father is only Divine, (for Poets call *Jupiter* the Father of Men) whereas of the other two the one is appropriate to Wild Beasts, and the other to Slaves. But as in the Swarms of Bees there is one King, who rifech of himself, and by none other is instructed, about whom all the whole Swarm flutters, and makes a noise with Joy, and Incircles him: So happens it now and then amongst Men; but he longest continues his Rule, when both these things meet and unite in him, viz. Beauty of Mind, and Comeliness of Shape and Body. And he doubtless is a great Prince indeed, whose Beauty is not imperfect or lame, but altogether intire and absolute. Wherefore, as *Alexander* declarcth, that *Achilles* was happy, because he had *Homer* to publish and blazon out his Exploits: So did I think my self fortunate, in that by my Oration I have had opportunity to set forth your deserved Praise. Neither let any Man imagine, that this proceeds rather out of Flattery than from the force and evidence of Truth: for of all those Emperors which hitherto we have either known or heard of, besides two most famous of all the rest, there is none other, truly, which would have animated upon so great a Crime and Offence in the same way, and by the same measure, as you have done.

46. Thus much uttered *Themistius* in his first Oration concerning the Good Nature or Humanity of *Theodosius*; upon what Occasion we cannot certainly tell. Some have imagined it a Congratulatory Speech for his Clemency shewed to the *Antiochians*; but that it could not be, as appears from some Passages, and that in particular, where he speaks concerning two sorts of faults, whereof the one was the Crime of Treason itself, and the other was the Hearing of it, or what we call Misprision of Treason, which how could it agree with the Popular Tumult of the Citizens of *Antioch*? It remains therefore, that with *Petavius* we conclude it to have been some Conspiracy of certain Senators against his Person, which he thus readily and freely forgave. But as he did not only do this Act of Clemency, but continued still to show himself what the Orator makes him to be; so neither could the Orator forbear having the same occasions, but still commend him, for the easiness and agreeableness of his Manners; this Emperors merit on the one side provoking him, and on the other his own continual Exercise in the way of speaking by an Habitual Inclination, prompting him, though now in his Old Age, to keep up that Faculty which in his youth he had attained. Is it possible (saith he) that one who designs to be Excellent in Horsemanſhip, and affects the Surname which by *Homer* is given to *Nestor* (whome he calls an Horseman, and a Driver of Horses) that he should altogether neglect that very Art, and not exercise himself in all those Courſes and Methods which conduce to the perfection of it? Such are to mount an Horse readily, to sit him, with as much ease to the Horse as possible; easily to quit him upon occasion, to curb him in when there's need for it, and to give him the Reins the Case shall require, and to cause him to take such way as is most convenient. In like manner

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Arcadius  
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manner *Merculus* blames *Antiochus* in a certain place in *Homer*, for having in a Chariot Race, which *Achilles* ordained in honour of *Patroclus*, out of desire of winning, never considered in what danger he drove, and not restraining his Horses, but putting them on in a strait and precipitous Place. As in Horsemanship, the same thing is to be observed in the Dexterity of Shooting. Will any who has a Design to be excellent in that way spend his Time and Pains in any thing so much as daily to learn how to hit the Mark? Therefore is his Hand even worn with drawing the Bow, and by his Industry he arrives, at length, at such Skill, as that of *Meriones* of *Crete* is reported to be, who if he missed the Pidgeon, yet would be sure to hit the String.

47. If any desire to be Skillful in Fencing, and by it to obtain great Praise and Renown, if he despise the knowledge how to manage his Weapon, and is ignorant how to turn his lean Body from one side to another; shall we say that this man hopes for Glory and Commendation from that Art which he never Exercised, or give him Praise or Honour for it as in a Dream? That I may not instance to you in a Pilot, or a Shepherd, or a Physician, and prove to you, that all these, if they desire to be Excellent in their several ways, must also be desirous to be conversant in those Courses by which the Excellency of their Arts or Professions are attainable; I come to that very Point on which I purpose to insist. If therefore there be any one who is seated upon an Elevated Throne, adorned with a Purple Robe, and having Dominion in a manner over all Earth and Sea, which he both rules and preserves, and upon occasion pardons; if he have a desire after Praise, which is sincere and without flattery, doth not his Mind seem to acquiesce, and be content in what is ordained from above? And in that he now passeth the sixth Year of his Reign without the least blot or spot upon him, is he not more proof against Calumny and Contempt, than against the Sword it self? Remember that first Meeting you had, and the *Boeotian* Vexes or Congratulation, upon occasion of which you met together. Here he spends some words in reflecting upon some Poet or other, who being either a *Boeotian* by his Country, or making his Commendation in the manner of *Pindaric* Odes, with very handsome Expressions well put together, yet commended the Emperor for these things which are esteemed by the Vulgar, as great Forces, good Fortune, and Authority. Whereas it is agreeable to the Art of Wisdom alone to inquire who he is that is truly a King, and what are the Signs and Tokens of his Majesty: not such as are the Golden Eagle, and the Drapens (in his Banners) subtly Woven: or that with an Arrow or Dart he can hit a Mark; for these I suppose *Nero* the Minstrel, and furious *Domitian*, might urge in their own behalf; but he is the Man whose Mind is lifted upward, and intent upon God the Moderator and Prince of all things; and by him being Governed in all his Affairs, from him receives whatsoever is profitable for the Regiment of an Earthly and Inferior Kingdom. And from him it is, that you (most Excellent Emperor) receiving what you have, stood in no need, of *Arcters*, or the *Scutari*, of *Armenians* or *Ucrains*, or *Horse* bearing heavy Armour, for Extinguishing that *Scythian* Flame. For by your Council and Prudence alone that Flame fell and went out of it self. You have not your Eyes fixed on the Earth, neither are you perplexed how to procure Gold or Silver for your Supplies: but how you may heap up vast Treasure of good and famous Deeds, of which none can rob or plunder you.

48. After some other words he further tells him, that there was another quite contrary Cause of his Delay in speaking than that which he suspected; not a Defect; but a Luxuriant Plenty of Subjects upon which he could insist. For being wont, saith he, to do many excellent things, not only daily but hourly adding one thing to another, you thence do cause that my Speeches come from me very difficultly. You do not undo what you had formerly done, but still weaving more work, and multiplying it upon me; when I purpose to commend any famous Action you do, or saying which you utter, with a sincere and incorrupt Encomium, presently many new and fresh present themselves, that put others out of my Head which formerly I had pitch'd on; and when, omitting the former, I intend to speak of what had happened later, still others of fresher date occur, which exclude the former Commendation. The same things happen to me as to those Liqurish People that are invited to a Feast: I taste and eat an Essay of every thing; so that I fill my Belly with no one Dish that is set before me. Or rather I am in the Condition of Hounds, which if they happen upon one Wild Beast alone, do constantly stick to it and pursue it, till it be taken; but if they route others from several Parts, choose one of these, and leave the other to its Escape. And truly

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truly these Ancient Poets or Singers are not at all to be reprehended, if they Extolled *Hercules* the Son of *Jupiter* more easily in the beginning than in the sequel and progress of his Undertakings. Your Acts are of the same Nature; for you increase perpetually your Achievements, so that our Muse wants sufficient Confidence, to keep pace therewith; her Orations being not light winged, and easily moved, but slow and leisurely, looking about upon every thing that's done, and not merely upon it as done, but with what Will, at what Time, with Whom, and for what Purpose. For oftentimes an Action of it self is not so considerable, but the Will of performing it is Laudable and Excellent. Of this Nature was your first Expedition to the *Rhine*. Every one indeed did not apprehend it; but your Mind in attempting was great and truly Royal; to revenge a Prince taken away before his time, and to preserve the Remains of his Family. Whosoever thinks that of low Concernment, let him consider, how by that undertaking alone, and the terror thereof, the Infolence of the *West* was repressed. Even as *Achilles* in old time, when he obtained from War, yet by leaping out of his Tent Exclaiming and making a Noise, extinguished the Fire that had taken in the Navy of the *Greeks*, and deterred the *Trojans* from further proceeding.

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Empire.

49. These things, when I consider separately and apart, I find it necessary to use my Notes, by degrees and warily. As when I think upon your lessening the burden of Tributes, in that the Timing of it seems more worthy of Admiration than the greatness of the Thing it self. For, when, as we verily apprehended, there might be reason to augment these Impositions, there being daily need of more supply, presently the Charge abated; and therefore the coming of it to us expedited, and beyond our hope, was greater than the Kindness it self. Formerly *Corne* was not, without threats, and compulsion, brought hither; but now it flies as upon Wings, nay more swiftly, and without any calling for it: Now the Sea it self obeys the Emperor, and even the Winter Navigation with Ships of Burthen is more Commodious and Pacate than that of Summer. The Granaries therefore do not now abound with Filth and Cobwebs, but are full, and to spare; and that Ancient Trust and Security, which formerly had left us, is returned again. So pass we the Winter, hoping well concerning the Fertility of the Spring. The Prince thinks it not below him to make inspection into these Treasuries, but permitting those wherein Gold is laid up to be kept by others, doth not stick at all, nor think it below his Majesty, to take an Account himself, and view that which is deposited in the Granaries. *Cresus* the King of *Lydia* indeed, thought it more becoming his Royal Magnificence to view his Vaults filled with Gold, than furnished with Corn. And therefore he bragged to *Solon* the *Athenian*, not of his heaps of Wheat, but of his Filings of Gold, which were not the Gifts of the Earth, but the unfruitful and barren Wealth of an arrogant River, with which whosoever is compassed about, must dye of Hunger, as he did who perished in the enjoyment of his Wealth. Therefore would not *Solon* own *Cresus* for the most happy of all Mortals; but mentioned the *Athenian*, and the Young Men of *Argos*, and any thing sooner than he would do him. But doubtless most Blessed and Happy would he have pronounced that Emperor, with whose allowance such an Army is maintained and kept on foot, as never was before in the Roman Empire, especially upon the River *Tigris*. After this he speaks concerning his Allowances, and beautifying the City of *Constantinople*, what we have already written concerning that Matter, and then proceeds.

50. And truly, my good Hearers, if this Body of mine could be accommodated to my Will, I should desire, that my Life might be continued to me, not thereby to enjoy any other Pleasures, (for they are all already, and with reason, extinguished in me) but that I might see a third City, which our Emperor will accomplish ere it be long. Neither have I this desire in me without hope to see it accomplished. For in him there remains so present a Remedy for driving away mine Infirmities, that when lately he willed me to apply my self again unto Musicke, there was more Virtue in his words, than in all the Medicines of *Hippocrates*. Now I proceed with more vigour than formerly, and when I speak can better be heard; neither am I so stopped up, but I can swallow both Meat and Drink: nay, together with this Sedulity and contention of Mind, my Body in some measure reeling so with me, no wonder it is that I sing not now my last Song, (as Swans are wont before their Death, in Honour of that God whose Servants and Prophets they are) For the Prince of the Muses will still afford me some better and sweeter

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The will of  
once Praefect  
of the City.Theodosius  
committed  
the charge of  
his Son Arca-  
dius unto him.

occasion for Melody. Indeed the Medicaments of *Colchis* deceived the Daughters of *Pelias*, pretending to make their Old Father Young again. But this our Prince reduced me to true vigour and strength, not so much by his new Building, as for that he himself grows and increaseth daily in a desire and aptness to hear. Therefore doth he excite, provoke and stimulate my Mind, neither suffers it by heedlessness to fall into Slumber or Officiancy; but though weary and weakened, as some Excellent Soldier, he recalls it, and puts it to Discipline, affording Excellent Helps thereunto, and whatsoever Art it self doth require. In that therefore I put my Hands to the *Praefectship* of the City, I neither was led by Ambition nor desire of Honour; but because I coveted to make it appear, that our Emperor had the same Opinion with Divine *Plato* concerning Man's Felicity. But that neither the Emperors Opinion, nor the Saying of *Plato* is to be convicted of Error, is rather to be shewn by some other than by me.

51. But I shall not boast much of that Table or Picture, but of another and more perfect, which contains those Pourtraictures in its Power, which the Workers in Ivory or Gold have not framed, but is the Work of the Emperor himself, or a Sacred Offspring presently consummate from a Sacred Birth; alone desired by the Wives of all Men, and from his Swadding Clothes called *Augustus*, whose Body indeed doth grow, but he cannot encrease in Honour: whom he committed into my Hands, when he made preparation for his Expedition into the *West*, and that in the sight of the Senate, and all the People; with this Charge, that I should take care of him, and diligently make much of him, I, who could neither move a Target, nor to a Pike, neither knew how to make use of Bow or Sling, only wore the Pallium, and was even bended together by Weakness and Old Age. But as it appears, he did not think that the same Discipline was proper to a Prince, and a Private Man: that he who was to command at Land and Sea, should be instructed the same way as an Officer in the Army. Come hither therefore my most Dear Son, and sit on my Knee, that I may instruct thee; not as *Phœnix* did *Achilles*, stopping him with Meat and Drink, but giving thee that Nourishment which Philosophers alone prepare for Young Princes that are under Age, I mean those fruitful Disciplines, lofty, and full of advantage, the Grace and Ornaments of the Ancient Emperors. Such as the great *Cyrus* of old was Educated in; the Roman *Numa*, that famous *Marcus*, and excellent *Titus*, whose Great and Glorious Saying it was: *This Day I have not Reigned; for I have not done any Man good*. Receive also the Instruction of famous *Plato*, and Divine *Aristotle*, by whom Great *Alexander* was instructed; whom from an obscure Kingdom they made Lord of all the World. If thou beest informed and educated by such Masters; thou who challengest the Name of that God which presideth over Sciences; then will I readily be accomplished the Wish of thy Parents, that *Thou mayst prove more Excellent than thy Father*; or what is more moderate and facile, Let him follow his Fathers Steps. Then will thy Mother rejoice to see thee not only returning with Spoils from a Battle, but from speaking to the People, and administering Justice, with the Assessors and Officers of Justice incircled about; which Virtue chiefly and best of all fits a Palace.

52. Thus much *Theodosius*, in his Second Oration in the Commendation of *Theodosius*, which as being more tedious than our present Design will well suffer, I should not have thus transcribed, but that producing no Testimony of any Christian in behalf of this Emperor, not any of his own Religion, which must be in another Place, it seems more just that the Reader should know what all the Pagans say, and withal perceive their ways of Oratory in this Age. Here he hath also several Historical Hints concerning the enlarging of *Constantinople*, and other Matters, amongst which that of *Theodosius* his recommending his Son to the care of the Orator, at such time as he prepared for his Expedition against *Maximus*. This Honour put upon him, with other Favours, may make some imagine that he was bribed to speak as he did, at least a fence of Gratitude and good Nature might give some further Accent to his Oratorical Straine, in the presence especially of the Emperor. But he deduces all his Arguments from Matters of Fact; and from particular Additions, which are only convincing, rightly argues to the Humour and Nature of the Person, in such an Assembly where the contrary being notoriously known, could not but have checked his how ever ready Tongue. But we have still more Testimonies from those of the same Superstitious way, as to Religion, and such as were so far from being given in his presence, that it could not be presumed, that they should ever come to his knowledge. One of those is afforded him by *Symmachus*, as

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mally ex Arca-  
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And Symma-  
chus.And Arcadius  
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zealous for the worship of false Gods as any of his time, except it was *Flavianus*, whom, as in the several Epistles he wrote to him, he calls Brother, so he seems his Elder Brother in this respect for his hatred to *Theodosius* drew him so far, as to engage, nay to stir up and incourage *Eugenius* the late Usurper against him, and in that Cause he lost his life at the *Alper*, if some were to be believed. Yet to this *Flavianus*, upon the occasion of the Emperors renouncing every thing given him by *Codices* formerly mentioned by us, doth the said *Symmachus* write after this manner. Whereas I ran through the commendations both as to War and Peace, which belong to our Lord *Theodosius*, in an honourable style, I confess that I rather touched at the Heads thereof, than spake enough to the particulars. I also added his Laws to the good things he hath done in reference to Peace, which as I know, they take away admiration from ancient ones, so I was of opinion that they have not left equal glory to those which are to come. But this new sanction of *Fide commissæ* and the Profits of *Codices* eternally rejected by this best of Princes, by so much lustre exceeds the light of such as were before, as much as it is more august for a Governor, to put a restraint upon himself than others. And I with that private Avarice may understand the meaning of the Lawmaker, and may frame manners out of his Laws. For I am not ignorant what he would have others do of their own accord, who first himself hath abhorred these suspected Advantages. Then after some reasons added for his wish and his approbation of what *Theodosius* had done, he concludes. If the Amendment of the greater part of Persons be not attained; in vain hath the Emperor bound himself by these severe sanctions, *Who all ways hath been good, and of unblameable manners*.

53. This cannot be said to have been spoken in his Presence, or to gratify his Ears, but wrested from the Writer by the great evidence and Force of Truth. So was that which we shall subjoin, and wherewith conclude these Testimonies, which is the Account *Aurelius Victor* gives us of this Emperor, and not written till after his death. *Theodosius*, saith he, was born of *Honorius*, (his Fathers name he mistakes) and *Thermantia*; by Nation a *Spaniard*, and deriving his Original from the Emperor *Trajan*; was created *Augustus*, by *Gratian* at *Sirmium*, and Reigned seventeen years. It is reported that his Parents, being admonished in a Dream, gave him a consecrated Name; so as in Latine he might be called *A Deo Datus*. From this Oracle a Rumour was also spread in *Asia*, that one should succeed *Valens*, whose Name in Greek began with  $\Theta$  and  $\Lambda$  and  $\Theta$  and  $\Lambda$ , with which *Theodorus* being deceived, and usurping, suffered the punishment of his wicked Ambition. As for *Theodosius*, he was an exceeding great Propagator and Defender of the Commonwealth. For in several Battles he defeated the *Huns* and *Goths*, which had harried the Empire under *Valens*. With the *Persians* he made peace at their desire. He vanquished and slew *Maximus* the Tyrant, who had murdered *Gratian*, and seized on *Gall*, at *Aquileia*; and put to death his Son *Victor*, whom being yet within Age, he had saluted with the Title of *Augustus*. He also overcame *Eugenius*, and *Arbogastus*, ten thousand of their men being killed. For this *Eugenius*, trusting to the Interest of *Arbogastus*, after he had murdered *Valentinian* at *Vienne*, made himself Emperor; but presently lost both Life and Empire. Now *Theodosius* was in Disposition, and also in Body like to *Trajan*, as far as we can judge by the Writings of the Antients, and by Pictures. His Gate was upright, his Limbs alike, such sort of Hair, and such a kind of Mouth and Face, saving that *Trajan* by plucking out the Hairs, had his Beard thin on his Cheeks, neither had he so big Eyes; and I am not certain whether he had so much Gracefulness, so much vigor in his looks, or in his Gate was so Magestic. But his mind was altogether the same, so that nothing can be said, which may not seem out of Books to be transferred upon the other. A Disposition full of Clemency, Mercy, and freeness as to Conversation, thinking himself to be in Habit only from others: Honourable in his Dealings with all men; but lavish towards good men: affecting those of simple or innocent Natures equally, as admiring the Learned if they were harmless; with a great Mind bestowing great Things; loving those of his Subjects that were but privately known unto him, and conferring on them Honours, Money and other Emoluments; especially such as in difficult cases he found to be true unto him.

55. But, For those vices wherewith *Trajan* is aspersed, viz. violence (or being given to Wine) and a coveting of Triumphs, he so detested them, that he made no Wars, as but found them made to his hands, and prohibited, by a Law, services conducing to wantonness, and that Ministers should be admitted to Feasts: attributing so much to Modesty and Continnence, that he forbade the Marriage of Cousin Germans, as of Sisters. For Learning, if we look at such as arrive at perfection therein, he was but moderately seen; but very fagacious, and using much diligence to understand the Acts of

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of his Ancestors, of whom he did not cease to execrate such as he had read to have been Proud, Cruel and Enemies to Liberty; as *Cinna, Marius and Sulla*, with all such as loved to domineer over others; but especially the Perfidious and Ingrateful. Indeed he would be angry at unhandson things, but would quickly be turned and appeased, whereby it came to pass, by little delaying, that sometimes more severe Commands were mollified. And he had that by the gift of Nature, which *Augustus* learnt from his Doctor of Philosophy, who when he perceived him to be easily moved, advised him, when he began to be angry, that he might not determine any harsh thing, first to repeat the four and twenty Letters of the Greek Alphabet: that that concitation which was but momentary, might fall of its self; the thoughts being directed another way. But without doubt, which is a point of rare virtue, *After that his Royal Power was increased with his years, he was better than before, and much more after his Victory obtained in the Civil War.* For then more solicitously than ever did he take care of Provisions for his People; and a great mass of Gold and Silver piled, and spent by the Tyrant, he restored to many out of his own Treasury; where, as even good-natured Princes were scarcely wont to yield back bare grounds and Lands spoiled. Now I come to those things of lesser concernment, and as it's said *within the Court*, which because they are more secret, do more attract the Eyes and the Ears of men, by Nature curious. His Uncle he respected as a Father; the Children of his deceased Brother and Sister, he held in the same place as his own: those of his Kindred and Affinity he embraced with the Affection of a Parent: *He would entertain Elegantly and Cheerfully, but not Profusely or with much Cost:* would fit his Discourse to the Company, their Ways and Dignities, mixing Gravity with his Mirth: he was an Indulgent Father, and a Kind Husband. His exercise was neither effeminate, nor too tirefomeness: when he had leisure, he chose rather to recreate himself with walking; and by continence of eating, (or a moderate Diet) he preserved his health. Thus he died in peace at *Milan*, in the fiftieth year of his Age; leaving both the Empires to both (*viz. Arcadius and Honorius*) in a quiet condition. His Body the same year was conveyed to *Constantinople*, and there Buried.

Theodosius a most excellent man.

56. It's time now to make an end of this Subject, and to Reader thou hast cause to think; but if thy patience be too much tired and presumed upon, let thine Indignation fall upon his Memory that gave the Occasion. I suppose thou wilt easily pass thy Sentence, and there's little need of summing up the Evidence. The charge or Accusation is made by him, whom thou must needs, by all that thou readest, take for a bitter Adversary, and Malicious; neither are any of his Friends produced to say any thing in his behalf, except thou wilt look upon those as interested Persons, who were of the same inclinations with *Zosimus* as to Religion, and some of them as zealous as himself in that way, and such as could make as little Advantage by that they testify, as he could receive damage by his undertaking. Besides, most were Eye-witnesses of his Actions, and had them not by report, as he must necessarily have had, not writing till the later end of the reign of *Theodosius* his Grandson. But the great objections against him are, the Effeminateness and Luxury of his Life, with the profuseness thence arising, and his oppression of the People, by raising of money to supply these disorderly occasions, and by reason of his making so many principal Officers of the Army. Now the Evidence that comes in for his Defence; first makes him an extraordinary good man in general, and it also further speaks directly to the things whereof he is accused. A man of singular goodness of Nature, full of Clemency, Pity, and of wonderful Freedom and Affability thou findest him, may further, *Symmachus* tells *Flavianus*, as it fell naturally in his way, and not by any Study or Design, that he was always good and unblameable or found in his manners. And as for the continuance and extent of this goodness *Viduar* witnesseth that, he was better after that his Power increased with his years; and yet much more still after his victory obtained in the Civil War. Add to these what *Theodosius* affirms of his keeping such an Army on foot as never had been in the *Roman Empire*, especially upon the River *Tigris*. And moreover, recall to mind what he discourseth concerning his Buildings at *Constantinople*, and bringing that City to such extraordinary Perfection and Decorum.

57. Any indifferent Person hearing this so sublime a Character, would easily acquit him of so ugly a charge, but this we shall not do without instanting in the particulars themselves. And first for his Luxury and Sloth, his pleasing his Appetite, and his Belly, and gratifying his Ease, and nourishing many Ministers and Instruments of his Effeminate life; thou findest the contrary affirmed both by *Pacatus* and *Viduar*. The former speaks of the retrenching of the expences of the Court, not only by rejecting what was superfluous, but scarcely admitting of a necessary allowance; and as to his own Person, contenting

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tenting himself with a mean and foully fare, while his Palace abounded with examples of Pains-taking, Patience and Frugality. But grant it an Oratorical flourish that his meals were more spare than those of ordinary Tables, and were only supplied with Provisions relating to the place and time; yet when he made his entertainments (for Princes, sometimes this way must show their Magnificence) he did it indeed elegantly and cheerfully, but *Aurélius* affirms without any profuseness or much cost; for (he gives the reason) he therein excelled *Trajan* that he was not given to Wine, but by a moderate Diet he kept himself in health. If these two may be believed, he was both very temperate himself, and by his example drew others off from their luxurious courses, to Abstemiousness and Frugality. For the sluggishness which his Enemies charges him, it can be in no other respect than that for which *Viduar* extolls him above his Ancestor *Trajan*, that he did not himself make or give occasion to Wars, but was provoked or drawn into them by the Aggressors. This indeed like a true Christian Prince he was guilty of, never seeking occasions to shed mans blood: He was no Pirate (as that Scaman told *Alexander*) robbing with whole Armies. But did he ever refuse any enterprize; that might be warranted by that goodness of Nature and love to Mankind, which ought to abound in Princes especially, who cannot in any other respect be so truly filled Gods upon Earth, or thought to resemble him whose vicegerents they are, in whose Hands (as the Pagan Orator applauds) their Hearts and Lives do stand? He was ready upon any occasion to vanquish the *Goths* and *Huns*, to restrain the *Saracens* and force him to make peace. Remember what his Detractor writes concerning his disguising himself, and the entertainment he had in an Inn, where he discovered the designs of the Invaders. He supplied two considerable and potent Officers at Home, and brought to reason such Barbarians as made any disturbances. And abroad, besides the terror which his Armies and Name struck into other Nations, he awed the bold and daring *Persians*, so as he durst not stir or move; him whom neither *Julian* could conquer, nor others of his Predecessors, keep in order; and though not a Confederate, made him in a manner, as the Orator saith, by his Presents confide himself a Tributary.

58. For his making so many *Magistri Militum*, or great Officers in his Army, he had occasion enough to do it, if what *Theodosius* saith be true, that he maintained a greater Army than ever had been in the Empire. The Northern parts required his great care; but the East, where he had reason to apprehend dangers from the great and powerful *Persian* Kingdom, now, as it appears, was more indolently and with more Forces upon *Tigris* than ever to be secured. It was not he that let the Barbarians into the Bowels of the Empire, and first received them to Charges and Commands, but now it was done, when they were civilized, had learnt the *Roman* Discipline and way of Fighting, and not only they, but their Countrymen who lived at Home, by that continual intercourse, which for several Ages, either in War or Peace they had had with the *Romans*; there was necessity, at least from Rules of Policy, to tame, and by good usage to transform them, if possible, into a *Roman* interest and humour. When Strangers embody with a Nation, when they marry in that Country, and have Children to succeed them as Members and Citizens thereof, it's seldom but they acquiesce, grow domestick, and even forget the concerns of the Regions they left; which why it took not place in these Barbarians who afterward overran the *Roman* Empire, we may in convenient time Discourse. In a Neighbouring Kingdom there are now more at present which bear the Title of *Marshall* thereof, than under him, that of *Magister Militum*; though that Kingdom can scarcely be esteemed as tenth part of that Empire which he the rest Commanded. To oblige the Princes of such Nations as had been received into the Empire he gave them Commands, yet so as to be commanded themselves if they grew turbulent, and by preferring them and others, if you believe what you read in his behalf, he did not so mightily heighten the Charge, and thereby was driven to harass and oppress his People by unwonted Taxes and Impositions. *Theodosius* speaks of his releasing Tribute, and that with so much respect to time and occasion, that the circumstance was more acceptable than the thing itself. *Symmachus* extolls him for his self-denial in eternally renouncing what Princes had wont to get by *Fidei Commissa* and *Codicals*, and as he admires his Laws in general, as full of Goodness and Clemency, I suppose, Reader, by what thou hast found in the History of his Government, thou wilt scarcely be moved to be of the contrary Opinion.

59. That therefore which *Zosimus* termes profuseness, to understanding Persons, seems to have been a Crime (with him) of the same Nature with that he charges upon *Constantine*, and no other but his Munificence towards Bishops, Churches and other Persons and things relating to Christian Religion. That several miscarriages hapned

Sect. 5.

happened in his Reign there's little doubt: amongst a multitude of Officers employed by him in so many Provinces, that many should not be sway'd by Pride, Passion and Self-interest is not a thing imaginable, and how he could prevent or redress every individual Inconvenience, being necessarily to use other mens Eyes and Hands, none can devise. It was his misfortune to be deceived in men toward his later end, though as to those that served him at his first Entrance *Pacatus* magnifies both his Fortune and his Choice. And the great mischief was that it hapned towards his later end, for he might, had he lived, have discovered and removed those Persons, who being intrusted by him with the management of the Affairs of his Sons, gave beginning to those miseries which afterward fell upon the Empire. And that we may be impartial, he had one Infirmity in his Temper and Humour hinted by *Victor*, and that, was some Hastiness and Anger, to which the best Natures are often subject, which sometimes when ill men could manage it, might break forth to some actions of Severity. But he easily cooled of himself, if by ill Instruments his Heat was not ventilated, and most readily closed with what tended to appease him: as we see in the business of the *Antiochians*. Indeed one example there is of his being overcome with his passionate humour, which produced an Effect of very ill consequence. At *Thessalonica* the Citizens fell into a tumult about a Chariot Driver, whom being committed to ward for attempting a Romans Chastity, they would force out of Prison, and their Rage flew so high as to kill *Boterichus* the *Magister Militum* in *Illyricum*. The report hereof cast the Emperor into so violent a Passion that, without any Process made against the Offenders, he commanded that some of them should be seized and put to death, which command being executed in an hurry, and when the Town was full of Strangers, heaven thousand are said to have perished. This we did not insert into the History of his Reign, because though the thing it self was too Considerable, yet the consequence of it was very Admirable, and relates to Ecclesiastical matters, wherein, God willing, shall be discovered that Admirable Humility, Meekness, Patience and Self-denial of this Prince, when for this his Offence he was secluded the Church by *Ambrose* the Bishop of *Milan*, and not received to Communion again till he had given publick satisfaction, and made a Law concerning the deterring the Execution of such Sentences for thirty days. This was the only flaw in his life that can be known, of which yet our Church Historians only take notice. A wonder it is it should escape *Zosimus*, who would have doubtless gone far out of the way to have hooked it in; so that the matter seems not of such consequence as some Writers make it. However, take this Person according to his general Carriage and Demeanour (which will much more appear in our Ecclesiastical Part) he was so extraordinary for Goodness of Nature and other Qualifications, that he deserved also the Synonyme of the *Great*, which Posterity thought fit to confer on him.

## C H A P.

# THE ROMAN EMPIRE.

## C H A P. III.

Containing the Decay and Ruin of the Empire in the West.

## S E C T. I.

*The first step to the Ruin of the Empire.*

*From the Death of Theodosius the Great, to the first Invasion of Italy by the Barbarous Nations.*

*The space of seven years and about seven Months.*

**T**HE worth of a Prince is most discern'd in the want of him, and so it happened to the Empire after the death of *Theodosius*. It was the great infelicity of it and him, that he left two Sons not capable of themselves to manage publick Affairs; *Arcadius* the Elder being but about seventeen years of age, and *Honorius* not eleven: But betwixt them two he divided the Empire before his death; assigning to *Arcadius* the East, and to *Honorius* the Western Parts, wherein were comprized the Western *Illyricum*, with *Italy*, *Gaul*, *Spain*, *Britain* and *Africa*. Till they should come to maturity he appointed *Rufinus* Chief Governor or Assistant to *Arcadius*; and to *Honorius*, *Stilicho*. These Men having such great Advantages, and puffed up and emboldened therewith; when the Empire, by reason of the *Barbarians* which hovered upon it, was in so ticklish a condition, that it required their care and diligence to secure it, thrust it on, and plunged it, through their Ambition, into greater Inconveniences, and such, as it could never recover it self out of them: for they took advantage at the Youth and Imbecillity of their Masters, and omitted no sort of Villany to advance themselves into their rooms. This mutual heat of Ambition cast them into so violent hatred of each other, that to procure the destruction of his fellow, as well the one as the other, confounded all things Divine and Humane. This gave such advantage to the *Barbarians* received into the Empire, that they, who by fair and prudent management, might have been induced quietly to incorporate with the Romans, were thereby allured to set up for themselves; to become Conquerors instead of Subjects; to cantonize the Provinces, and erect Principalities of their own. How these mischiefs began and proceeded *Zosimus* declares after this manner.

2. After that the Sovereign Power came into the hands of *Arcadius* and *Honorius*, they seemed only in Name to be possessed of it; for in reality, the whole Power of the East was in *Rufinus*, and that of the West was at the pleasure of *Stilicho*. They now determined all Suits and Controversies with great licentiousness; and he went away with the Cause who could give most Money, or by some Relation to the Judge, or indentment with him, could draw him to his Party. Now Lands and Estates, of which the owners were thought happily seized, were made over and appropriated to them two: Some by such means bribing them, and thereby evading their Calumnies, with which else they would be over-powered; and others freely parting with them, thereby to purchase Offices and other Advantages, whereby the Cities were oppressed. The Provinces being thus harassed on every

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fide,

But he was  
passionate.Rufinus left  
Governor to  
Arcadius, and  
Stilicho to  
Honorius.Out of Ambition  
bring all  
to Ruin.The manner  
how declared  
by Zosimus.A. D.  
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## SECT. I.

side, all the Wealth flowed into their Coffers; and in every place Poverty raged, where lately had been Abundance of all things. The Princes themselves were not at all sensible of these things; but whatsoever *Rufinus* and *Stilicho* ordained was looked upon no otherwise than as unwritten Law. And by this time *Rufinus* having vastly enriched himself, began now to dream of procuring no less than the Empire, and that by giving in Marriage to the Emperor a Daughter he had that was fit for Matrimony, judging it a very fit Advantage for his purpose. This, by some of his Creatures, he procured to be moved to *Arcadius*; and, as he thought, with all secrecy imaginable: but by some way or other out it came, and began presently to be the discourse of the people: For from the swelling of his Pride and his Arrogance, the daily increased, all conjectured what he aimed at; and this increased the common Odium against him. But as if he intended to cover and conceal his lesser faults by great Villanies, he attempted another thing in prosecution of his Designs. *Florentinus*, who, when that great *Julian* was *Cæsar*, exercised the Office of *Præfectus Prætorio* over the Nations inhabiting beyond the *Alps*; had a Son who was called by the name of *Lucian*. This Man courted *Rufinus* as his Patron, and had given him Lands of very great value: Upon which Account *Rufinus* always acknowledged himself obliged to him, and would still commend him before the Emperor *Arcadius*; who made him thereupon *Comes* of the East. Now the Authority of this Magistrate is such, that he commands all such as govern the Provinces of those parts, and corrects those that do amiss.

3. *Lucian* carried himself so virtuously toward those that were committed to his charge, and acted with that Justice, Temperance and other Qualifications requisite for fitting him for that Employment, that he became famous; for he was no respecter of Persons, neither concerned himself otherwise than as the Law directed him: In so much that when the Emperor's own Uncle *Eucherius* required something that was not fit to be granted, he rejected his Proposal, and thereby so moved him, that he went and complained of him to the Emperor, loading him with a grievous Calumny. *Arcadius* upon this blamed *Rufinus* for having preferred such a Man to so great a place. Whereat he taking occasion, and, as *Lucian* was at the Emperors Reprehension, making his purpose known to none, with a very few in his Company, went to *Antioch*; and coming in late at night, apprehended *Lucian*; and without any Accuser, called him to his Trial. He commanded him to be beaten on the Neck with leaden Balls till he expired, and then caused him to be put into a Litter, and covered, making all people believe that his life not being taken away, he should find some humanity yet at his hands. But the City knowing how the matter went, took it very heavily. Whereupon, to appease the Indignation of the Multitude, he built them a Royal *Porticus*, than which that City hath not a finer Building more splendid. After this he returned to *Constantinople*, more than ever set upon contracting Affinity with the Emperor: But an Accident happened which put him quite besides his hopes. There were two Sons of *Promotus*, who in the life time of *Theodosius*, were brought up together with his Children; whereof one of them had a Virgin with him of extraordinary beauty; by *Philostorgius*, said to be the Daughter of *Bauda*, or *Bauto*, who was Consul with *Arcadius*. This Maid, *Eutropius*, one of the Eunuchs that waited on the Emperor, advised him to marry; crying up her handfomeness: And when he saw him listen to what he said, he shewed him her picture; and thereby exciting his desire, perswaded him to take her for his Wife: *Rufinus* being ignorant of all, and thinking of nothing but that his Daughter should shortly be the Imperial Bride, and that he should be made by his Son in Law his Consort in the Throne, when she was once his fellow in his Bed. The Eunuch perceiving the business of the Marriage to be as good as done, commanded the people to dance and wear their Garlands, as was wont to be at the Marriages of Princes. And when he had taken a Royal Robe and other Ornaments out of the Palace, and given them to the Emperor's Servants to carry, he went through the City with the people before him. Every one imagined that these things were for the Daughter of *Rufinus*; but coming at length to the Virgin of *Promotus*, there he caused them to enter; and by delivering them to the Virgin that was brought up with his Son, presently declared who it was that must be Empress. *Rufinus* being thus frustrated when he saw another woman married to the Emperor, and that it was too late to recall it, beat his brains to devise how he might destroy *Eutropius*. So went the Affairs of *Arcadius* in the East.

4. *Stilicho*, who governed all things in the West, had better success in the like Attempts; for he married to *Honorius*, his Daughter which he had by *Serena*, the Niece of *Theodosius* by *Honorius* his Brother. Besides now that he was strengthened

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His Ingratitude and Cruelty towards *Lucian*.Stilicho, with his sister, married his Daughter to *Eutropius*.

## SECT. I.

Rufinus plots against *Arcadius* and him.

He flies up to the Emperor.

Who, by the Treason of *Antiochus* and *Gerontius*, invades *Greece* in a very hostile manner.Zosimus's story concerning *Athena*.

ed by his Emperor's Affinity, he had in a manner all the Towns of the Romans under his Command: For when *Theodosius*, after defeating of *Eugenius*, was dead in *Italy*, he, who then was Captain of the whole Army, kept to himself the fittest and most valiant of all the Soldiers, and sent those that were of little account into the East. Afterward being angry with *Rufinus* for having equalled his Power in the East to that of his, he purposed to go to *Arcadius*, and to dispose also of his Affairs at his pleasure; alleging that *Theodosius* upon his Death-bed gave him in charge to have an equal care of both his Sons. *Rufinus*, perceiving his Intentions, endeavoured with all his might to hinder the Journey of *Stilicho*, and yet to lessen and weaken the Forces of *Arcadius* as much as possible; and bending his Endeavours this way, to bring them about he found out persons more wicked and fit for his turn than he could have desired; and by their assistance became Author of great mischief to the Roman State. There was a certain *Grecian*, one *Mulionius*, who aimed at the highest degree of Learning; and had three Sons, *Mulionius*, *Antiochus* and *Asiochus*: of these *Mulionius* and *Asiochus* endeavoured both in Learning and Integrity to excel the Virtues of their Father; but *Antiochus* his Inclinations ran quite contrary, and became an Instrument of dishonesty. *Rufinus* having in his head a design to make the Barbarians over-run *Greece*, preferred him to the Government of it; and withal, delivered the Custody of *Thermopylae* to *Gerontius*, who, he was assured, would be his Assistant against the Commonwealth. His eye all this while was upon *Marich*, whom he perceived to be feditious, and to labour to exempt himself from the obligation of all Laws, being discontented that he was not preferred to the Command of the Army, but was left only Captain of those Barbarian Forces which *Theodosius* had committed to his Conduct at such time as by his Assistance he subverted the Tyranny of *Eugenius*: To him he sends Encouragement, with all secrecy, to draw out such Barbarians, or other Troops of what Nation soever as he could procure, and march boldly at the head of them, with assurance to become Master of whatever he should approach.

5. *Marich*, in confidence hereof, departs from *Thrace*, and passeth into *Macedonia* and *Thessaly*, destroying all things in his way. When he came near to *Thermopylae* he dispatched away Messengers to the two lately mentioned *Antiochus* and *Gerontius*, to carry the News of his Approach. *Gerontius*, as he was instructed, caused his Guards to quit the Straits, and left free passage for the Barbarians into *Greece*; who being once there admitted, fell upon rifling and wasting all the Country: The Cities they raze, they kill all the Males that were come to Puberty, and drive away the Boys and Women, together with the great Booty now in their hands. All *Boeotia* and other Regions of *Greece* which they once entered they depopulated, and the Devastation was still manifest in the days of *Zosimus*; *Thebes* excepted; which escaped their fury, partly by reason of the strength of its Fortifications, and partly because *Marich*, hastening to the Siege of *Athena*, would not make a stay about that City. And to *Athena* he came, supposing he should easily become Master of it, both for that the place was too large to be well defended; and he thought that being possessed of the *Piræus* adjoining to it, that so many Inhabitants would soon be pinched with want of Necessaries. But the Antiquity of the City (*Zosimus* tells us) in so impious an Invasion, implored Divine Assistance, and was to remain free from Devastation: and the Writer thinks himself concerned not to pass by in silence the cause of its preservation; being absolutely divine, and such as ought to excite all its Auditors unto Piety. When *Marich* came before the Town with all his Forces, he beheld *Minerva*, the Defendress thereof, taking a view of the Walls in the same shape as she was seen amongst the Images, viz. armed, and ready to fall on such as he had seen approaching. Moreover, he beheld *Achilles* the Heroe just accoutered after the manner wherein *Homer* represents him to the *Trojans*, when in a rage he fought against them to revenge the death of *Patroclus*. With this Apparition *Marich* being frightened, omitted all manner of Hostility against the City; but sent and offered Peace to the Inhabitants: who accepting of the Terms, Faith for performance was given and received on both sides, and *Marich*, with a few in his Company, was admitted into the Town. There being received with all manner of Civility; when he had wasted, and been entertained by some of the chiefest Citizens, who also presented him with such Gifts as they thought would please him, he departed from that City, and quitted all *Attica* without doing the least damage to it. And thus the City of *Athena*, which in the time of *Valens*, when all *Greece* was sorely shaken with an Earth-quake, alone sustained no loss at all, now also, though in so extreme danger, yet escaped.

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Hinc Zosimus ferat hanc videtur esse causam curam athena in devoti ad hunc annum.

Sect. 1.

Marich invades Priapus's reign.

6. But *Marich* having quitted *Asia* without doing the least harm therein, so much awed by the Apparitions he there saw, invaded *Megar*; wherein having taken the first Town he met with by Assault, he halted towards *Peloponnesus*, never being found to make any resistance. And *Gerontius* giving him free passage through the *Isthmus*, he might easily become Master of all the Cities without any pains or Combat; for they were not fortified by any Walls, being thought secure enough in the Defence that should be made for them in the *Isthmus*. Presently then was *Corinth*, with the Neighbouring Towns, taken by Storm; and after it *Argos*, together with such places as lay betwixt it and *Lacedæmon*. And *Sparta* it self fell in also to the bargain, being partaker in this Calamity of *Greece*, for that it was neither fortified by Arms nor Men (as it ought to have been) through the Avarice of the *Romans*; but exposed to the Custody of such Magistrates as were Traitors, and ready to serve the lusts of those that were in power, in all things, though to the Destruction of their own Country. However, the Calamity of *Greece* now coming to the ears of *Rufinus*, increased the fury of his Ambition more than ever, which he hoped would better succeed while the Empire was thus disturbed. But *Stilicho* shipped his Men, and resolved to succour *Achaia* in this her distress; and landing in *Peloponnesus*, put the *Barbarians* so much to it, that they fled into *Phloe*; where wanting Necessaries, he might easily have ruined them, but that he gave up himself to mimicks, to Wenches, and other silly and immodest Diversions which he found in those Parts; affording, in the meantime, to his own Soldiers liberty of confining what had been left by the *Barbarians*, whom he also permitted to depart with all their Booty out of *Peloponnesus*, and to pass into *Epirus*, the Cities whereof they harried as they had done formerly those of *Greece*; which perceiving, he returned again into *Italy* without having any thing performed but this, that he added, by the Men he brought over with him, greater mischiefs to those which had been sustained by that miserable Country.

Being 'returned into Italy, he sends an Army into the East.

Which destroyed: *Rufinus*.

Rufinus governs all in the East after his death.

What other Historians write of this Subject.

7. Being there arrived, he endeavoured to bring about the Destruction of *Rufinus* after this manner. He remonstrated to *Honorius* that it was needful to send over some Forces to his Brother *Arcadius*, for the Succour and Defeat of those Countries which were so miserably oppressed under his Command; and having easily obtained Orders to execute what he proposed, appointed what Men should be sent under Conduct of *Gaines*, to whom he opened his mind, as to what he would have put in practice against *Rufinus*. *Gaines* having got near to *Constantinople*, sent notice of his Approach to *Arcadius*, and how he was come to his Relief with an Army now at hand: And when the Emperor expressed much satisfaction therein, he persuaded him to come in Person to meet the Soldiers; affirming that this Honour was wont to be done to Military Men. *Arcadius* complying, met them out of the City, and the Soldiers there paid him that respect which was due unto him; who also made his Return of Civility for their Adoration: But then, the Signal being given by *Gaines*, when they had encompassed *Rufinus*, they cut him in pieces; one taking off his Right Hand, and another his Left, and another parting his Head from his Shoulders; whereat were given such shouts, and Triumphs expressed, as had been usual after Victories. And they so contumeliously treated his dead Body, that they carried his hands up and down the City, and desired those they met to give something to that Insatiable Creature. Thus perished *Rufinus*, as he had justly deserved; who had both been the Author of insufferable Mischiefs to private Persons, and of great Calamities to the Publick State. But *Eutropius*, who all this while had been assisting to *Stilicho* in all things he devised against him, now governed all things in the Court; and most of his Estate he secured to them. His Wife and Daughter, for fear of perishing with him, had taken Sanctuary in a Church of the Christians: And them he permitted, giving them his Word, to sail to *Jerusalem*; which formerly was the Habitation of the Jews, but from the time of *Constantine*, had by the Christians been much beautified with Buildings.

8. Thus writeth *Zosimus* concerning the Ambitious Practices of the two Guardians, intrusted by *Theodosius*, presently after his death: To the main of whose story all other Authors agree, though some with variation of certain Circumstances. As to the Invasion of the Eastern parts of *Europe* by *Marich*, they are of accord: But other Historians make mention of some parts of *Asia* also to have been over run and wasted by that Flood of the Northern Nations which *Rufinus* let out into the Empire. *Socrates* and *Sozomen*, our Ecclesiastical Writers, make mention of *Armenia*: But *Claudian*, the Pagan Poet, in the second Book of his In-

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Sect. 1.

And Claudian the Poet,

Who sets forth the great mischiefs done by the Barbarous Nations.

And the Preparations of *Stilicho* against them.Rufinus forces *Arcadius* to send to *Stilicho*.

Who thereupon retreats.

vective against *Rufinus*, reckons up many other Countries; who, though he particularly sets forth the Enormity of his Acts, yet possibly might be true enough in his Geography. Some *Barbarians*, he saith, at his call, by the way of the *Danube*, some by the *Cassian* Straits and the Snows of *Armenia* invaded the Riches of the East. Hereupon *Cappadocia*, *Lydia*, *Cilicia* and *Syria* were wasted, and hence came the Lamentations of *Asia*. In *Europe* they over-run whatsoever lay betwixt the Borders of *Dalmatia* and *Pannonia*, with the *Adriatick* Sea: There no Cattel, nor owners of Cattel were to be found; but the Fields like to the Deserts of *Zybia*. In particular, *Thessaly*, *Macedonia*, *Pannonia*, *Thrace* and *Myria* groaned under the burthen of so heavy Oppressors; in so much that the poor Inhabitants, as happens in long and grievous Calamities, were put past weeping, the thing being now made solel and of course, and the custom depriving them of all fence of the Evil. Hereupon the Poet falls into a fit of Grief and Lamentation, considering how great things have a sudden period; how that that Empire, which with so much blood was obtained, and with so much preserved, with the labour and sweat of so many Captains, which in so many years the *Roman* Valour and Diligence had laid together, should in a short time be overturned by a lazy Traitor; who, while all hands were at work to defend *Constantinople* from the rage of the approaching flames, beheld, as he saith, the Burning and Ruin of the adjacent Country with laughter; and boasted of his interest with the Enemy, whom he imitated in his very habit. The People of the East, though labouring under these miseries, yet had this misery more upon them, that they durst not complain, nor be seen to fawn a Countenance inclining to discontent: But if you believe the Poet, who, in his Poems against *Rufinus*, as well as the other written on purpose in commendation of *Stilicho*, still clavis this person, secretly wished for his Coming; as placing their hope and confidence in him alone.

9. And as soon as the Season of the Year would give him leave, he made effectual Preparations for their relief, and got together both his Western and Eastern Troops; so many as scarcely had been beheld under one Command. There you might have seen the *Armenians* with their wreathed Locks, and their green Coverings made fast to them by easie knots; and the fierce looking *Galls*, with their yellow hair. Those whom swift *Rodanus*, flower *Araris*, whom the *Rhine* at their Birth did explore whether they could swim; and whom the more speedy *Garonne*, turned back by the Tide, did water, made there their appearance, and that unanimously, laying aside their former differences; he that had been lately beaten not hating him that had given him the Defeat, nor he that had the better priding himself in his success: But all together conspiring to favour and to love their General, though the noise of the late Alarms and Fights was scarcely ceased, and as yet their blood and spirits could scarcely be cooled. *Rufinus* was not so deaf but he presently had the noise of the Expedition; he grew pale, his confidence failed him: He stood doubtful whether he should run away, beg pardon, and submit; or betake himself to his Friends, the Enemies of the Commonwealth. His Wealth, his great Buildings and Pomp now standing him in no stead, he sighs, he moans, starts out of his bed in a distracted sleep, and suffers Punishment in the very fear thereof. At length, from Stupidity he returns to his own natural temper; and in a rage enters the Palace, and gets Audience of *Arcadius*; to whom he lays open the vast Ambition of *Stilicho*, the danger which threatened him his Minister, against whom all his Plots were levelled: He desires, nay, importunes him to divert the Storm; or else threatens that he will not fall alone, but that his blood shall be mixed with that of another person. Herewith he extorts a Message unto *Stilicho* from the unwilling and dissatisfied Emperor. *Stilicho* now imagined he drew near his Enemy, and joyed to think he should shortly come to an Engagement. The *Armenians* he placed on the Left, and to the *Galls* he assigned the Right Wing of the Army: But when he had now reached *Thessaly*, and longed to relieve the distressed Countries, a rumour is spread through the Ranks of Soldiers of new Orders arrived from the Emperor, which how to receive the General knew not, being so much disordered as for unexpected an Accident. At first he stands astonished betwixt sorrow and anger, admires that a Coward had so much power; and then considers whether he should proceed notwithstanding *Arcadius* his Command to the contrary, or else give over his so hopeful a design. He desires nothing so much as to succour *Illyricum*; but reverence of Authority and Obedience conquers his Valour: On one side, publick Convenience moves him; but on the other, fear of Reprehension. Having taken some passion, and exclaimed that *Rufinus* should thus procure the Destruction of the Empire, he gives Command

A. D.

395.

Elle quem his  
videtur perire  
ingredia satis  
impetum fatis  
quosdam ju-  
cunctis de-  
votum quod  
mille dicam  
perire laboris.  
Quid tantis  
Romanis mecum  
construit sedis,  
Proditur me-  
ius aequale  
tempore vultu,  
Opi.

percepit  
suis fortissimè  
pauca.

Lik. 6. c. 1.  
Lik. 8. c. 1.

Sec<sup>t</sup>. 1. Command for a Retreat. Hereupon the Poet makes the Soldiers extraordinarily discontented, and to fret that the Discord of the *Romans* should thus promote the Interest of the *Goths*, and to offer their Captain to follow whithersoever he would lead them:

**Sends the Eastern Troops into their own Countries.**

Which coming to *Constantinople*,

Kil 3-6-44.

10. However, *Stilicho* being pertinacious in his Resolution to obey, diffinited the Troops that were to march Eastward, into their own Countries. At first they take it ill, as lighted by him but in consideration of his worth, and that in probability they shall be by *Rufinus* delivered up as a Prey to the *Flam* or *Alan*, they vow that where ever they are, he shall be their Captain still; though absent, he shall have experience of their being fast and faithful to him: In conclusion, long he should have a Victim offered him by their hands, a Sacrifice wherewithal should be very long and much pleased. These Eastern Troops keeping their way, arrived at length at *Thessalonica*, where recollecting what they had resolved, they become more violently inclined to the Profecution. Here the place and the time both conspired to their farther Union. Neither of such multitudes was one found to betray the Secret; in so much that the Poet either feigns or finds an Object of Admiration that such a matter could be suppressed in silence, so great a design concealed, and so great an Heat stifled in Travel by the way, especially in their Cups and Entertainments. But in this silence and unheard of resolution they pass *Biz* and *Rhodoes*, and through the Mountainous places of *Thrace*, on as far as the City which in those times bore the name of *Hercules*. *Rufinus* by this time had received tidings of their Approach, and thereupon triumphed as one who imagined all things not only safe and prosperous about him, but big of Empire and Dominion. And not able to suppress his joy, he summoned together his wicked Counsellors; who looking upon him, and adoring him no otherwise than as the Rising Sun, had promises from him of answerable Kindnesses: and now they divide the Countries and Cities amongst themselves. But this Army being drawn upon the Plain which lay to the South of *Constantinople*, all the rest being surrounded by the Sea; and leaving but a narrow passage, the Emperor first came out, and saluted them in their several Squadrons. Him followed *Rufinus*, who omitted nothing of fair language; but called them by their names, and magnified their Acts, with a Congratulation for their safe Return to their Relations. They answered him, and by several discourses drew out the time in length, till they could contract their Ranks, and incircle him, which they did not only by their Companies drawn together, but by their Targets also formed to the shape of Pallisado.

Rufina was utterly ignorant of what they designed all this while, and plucked the Emperor by his Robe, complaining and chiding that he did not attend the Tribunal, and declare him his Partner in the Sovereignty. With that they all drew their Swords, and in a confused noise demanded of him if he imagined to make them Slaves, who had given Laws to foment, restored others to liberty, had twice put an end to Civil Broils, and broken through the *Alps* themselves: And they told him plainly, that by so many Wars they were sufficiently taught, not to serve a Tyrant. Being now entrapped as some wild Beast in the Theatre, one from amongst the Crowd runs out upon him; and giving him a blow, tells him that it was *Stilicho* who struck him by that hand; that *Stilicho* whom he had boasted to have driven from those Quarters. This blow being struck, was followed with innumerable others; happy being he which could get a froak, or have any limb or member of him; which they carried aloft, as in some solemn Triumph, especially his head and such as bore his hands begged something to be bestowed on them, and moved his fingers so far as to receive it, while in the mean time the multitude from the City glauced their eyes in his blood; and such as had lost their Relations by his procurement, rejoiced to see him brought to the fane, or had it been more ignoble end. Hereupon the Poet takes occasion very freely to admonish all persons in prosperity, not to truce to Fortune, which seems at present to smile upon them, seeing that all things in this World are utterly slippery and inconstant. For that hand which now addressed it self to bear a Sceptre, which had been so often killed by the suppliant Nobility; being torn from the Carcase, and both remaining unburi'd, after death it self now went a wad way of begging. Let him that carries his head so high in his prosperous Estate cast an eye toward it, which formerly so great and powerful, was now thrown in the Streets to be trod on by any man. He who built Pyramids, and provided a Monument for his Sepulchre which equalled Temples, who thought of nothing but being clothed with Purple; now became naked, as he was, and a Prey to the Fowls of the Air. He who had in his thoughts possessed himself of the World, now lay wanting a little earth, was buried by parcels with a thia

A. D.  
395

—Semper ne  
Getis dijcor-  
dia nostra  
Proderit?

### CHAP. III.

S. &amp; C.

Mold ; and was often buried, and yet no where. Of the Poet's very Description of *Rufinus* his appearance before *Minos* and *Rhadamanthus* ; how, affronted at his Crimes, they would not suffer him to remain in the ordinary place of Malefactors ; but condemned him to be whipped out of *Stiz* and *Erebus*, to an empty Dungeon beyond the Darkeness of the *Titans*, the utmost *Tartarian* *Recesses* ; the *Chaos* ; and the very Foundations of Night ; and there to lie and gaze as long as the Stars wheel about the Pole, and the Winds beat upon the Sea Shores. We shall commend the honest Contrivance, not the History.

12. Though these Poems be out of our Road, yet it cannot be denyed but that for want of more known and certain Paths, it may be convenient sometimes to turn into them. The main thing wherein he differs from *Zofimus* is this, that *Stilicho* was letted in his Proceeding by the expresse Command of *Arcadius*, extended by *Rufinus*: and indeed frange it is, that he should only be diverted by Women, and other effeminate Diversions he met with in the Country. And *Claudian* makes the Destruction of *Rufinus* to have been devised by the Army, without any Plot or Forecast of his; wherein possibly he useth Poetick liberty, though much he insists upon that wonder, that an Army in their March and Cups could conceal a matter so resolved amongst themselves. However, such was the end of that ill Minister, who had for three Years and above, ordered the Affairs of the Eastern Empire according to his own Will and Lust. And now, having been hitherto diverted by the Ambitious practices of him and others, we must consider what farther happened of Concernment in the mean time. We find that *Stilicho*, before his late mentioned Expedition into the Parts of *Greece*, marched into *Rhetia*; and by the terror of his Name and Approach to terrified the Kings of the *Franks*, the *Suevi* and *Alemanni*, that they begged Peace; though *Marcomeres*, King of the *Franks*, made a great fire in his Country, but the People drove him into Exile: and when his Brother *Summo* seemed to revenge his Cause, he was killed by his Country-men: After a League and Friendship was concluded betwixt them and the *Romans*. All this Year *Arcadius* had his Residence at *Constantinople*, and *Honorius* at *Milan*; where they were put upon enacting several Laws, as the state of the Empire required; at least, as they judged which were next about them.

*Stilicho* quies  
the *Franks*,  
*Suevi* and *Al-*  
*lani*.

The *Censuale*  
inhibit a Com-  
plaint to *Arca-*  
*dine*.

Who takes or-  
der thercin.

And gratifies  
the *Agencies* in  
virtue.

13. As amongst Arms, so in the midst of Arbitrariness and Tyranny, Laws were wont to be silent, to we find it to have happened this Year in the East; there being few found dated from *Constantinople*, especially in respect to those enacted in the West by *Honorius*. But in the Month of *May Arcadius* was presented with a Petition from the *Consules*; who complained, that by a Rescript obtained by stealth, their Office in the Senate-house was invaded. We have formerly shewn how these *Consules* were employed in the Senate, and how they wrote and recorded the Acts thereof. Now it seems that Officer who had the Style of *Principis Officiis*, belonging to the *Prefect* of the City, having also to do in the Senate whereof his Master was *Præfex*, interfered with them, and intruded into some work and profit which of Right did belong unto them. For in Answer to their Request, so *Arcadius* decides the matter, in an Act of State inscribed to *Theodorus, Prefect* of the City; That he will have all Citations of all Causes and Persons, although of *Senatorian* Dignity, to belong to the *Principes*. So that all Beginnings and Introductions of Causes, for which certain Fees were wont to be paid, were to be peculiar to him; whose employment it was to introduce both such as were at Law, and their Advocates, into the *Secretarium* of the Judge, and into the Senate such as had business to do therein. But all other Acts he will have dispatched by the *Consules*, neither any prejudice to arise to such as had made their Applications to them by virtue of the Subscriptive Rescript; So that all the business belonging to Persons once cited and introduced shall be theirs, who understanding very well, and dealing in the *Consensus* of the Senators, or the value of their Estates, had also sometimes power to nominate *Prætors* to this or that *Prætorship*. And as they kept and ordered the *Albus* or Roll of Senators, if any *Prætor* was misfiling, they celebrated Games for him at his charge. It also belonged to them to take care that every one in the City used a decent Habit, and befitting his Quality, especially Senators; with other things we have already observed. This same Month he confirmed a certain Privilege which his Father had granted to the *Agences in rebas*, at the Petition of some persons concerned. It was for the erecting of a new degree of Honour and Place amongst them; which *Arcadius* signifies to *Ofias the Magister Officiorum*, that he will have it joynted to that of the *Centenarii*, or equalled with it; which, of the five Degrees in the *Schola* of the *Agences in rebas*, was the Second; after the *Ducenarii*; before the *Biarchi*, *Circitores* and *Equites*.

A. D.  
395:

L. 5. de Principiis  
pib. Argentina  
in rebus, Cod.  
Th. lib. 6, tit.  
28. Dat. 12  
Kal. Jun. & L.  
2. Cod. Inst.  
cod. tit.

L. 7. de Agri-  
tibus in rebus  
Cod. Th. lib. 6  
tit. 27. Dat. 6  
Kal. Jun. An  
est à Cod. Fe

## Sect. 1.

And further  
regulates their  
Function.

14. At the later end of this same Month he still concerned himself about the Functions of the *Agentes in rebus*, there being report made of their clashing with the Magistrates of the Provinces in the Management of the *Curfus Publicus*. He resolved that in every Province there should be one established (by the name of *Cur. rignus*) who should have nothing else to do, but attend to the due management of that publick Service. Having appointed but one *Agentes in rebus* for this work in every Province, he had the more reason to confine him to his Employment, two having formerly been appointed to this Service in every Province by *Constantinus* his Predecessor. But he further prohibits these fingle *Agentes* or *Curiosi* to have any thing to do with the Governors of the Provinces, or the Provincials subject to them, or their Acts; so as only to take notice who made use of the *Curfus* without warrant, or in the use of it, exceeded those bounds and limits which were set them by other Laws. In the next place he forbids that they vex or trouble any Ships which by other Injunctions of Princes had been provided, although some Vessels upon certain Rivers were designated to the Service of the *Curfus*. In the next place he prohibits that they receive any Complaints from the Provincials concerning any Injuries received by them, as formerly had been enjoined concerning the Stationary Soldiers; so as they shall not report these Complaints either to the Prince himself or the Defensors of the Cities. In the last place he declares that they shall not commit any one to Prison, which *Constantinus* also had formerly prohibited; "Which it was also unlawful for the *Defensors* themselves to do, though they might receive Complaints, and hear what might be said on all sides in reference to such things as were brought before them. But these Laws were trifles, and related to things of small consequence in comparison of another made this Year by *Arcadius*, and directed to *Rufinus* his *Præfatus Prætorio*, as yet living, concerning the performance of Oaths that had been made in Contracts by such persons as now were arrived at Age, or five and twenty Years; a Constitution so famous that many learned Lawyers have exercised their Wit and Reading upon it.

## A. D.

395.

L. 8. de Curfus  
so cod. th. lib.  
6. tit. 20. d. 1.  
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## Sect. 1.

perjured person have himself kept firmly to, and observed all the Laws and Requi-

16. As for the reason or Historical occasion of this Law, some conceive it made at the request of *Rufinus* himself, to whom it is directed, and that to confirm those Alienations, which, as we have seen, he had extorted from fearful and abused persons. As several Writers affirm him to have been a Merchant of Laws, and to have made a great advantage of this Traffick, it is not to be doubted but he would make use of the Legislative Power to confirm his own Transactions as well as those of other men: employing his Emisaries, as they say he did, to employ what advantage might be taken, and then terrifying people with fear of Suits and Prosecutions, he wrested their Estates out of their Hands, and by Oath obtained confirmation of these Contracts; which being made with so much injustice, no wonder it is that so many cautions are mentioned in the Law, and so many Bars interposed, that the obliged parties might not evade, multiplied cautions being ordinarily suspected as signs and concealments of fraud. Then the maker of this Law seems to flatter the Prince by the manner of confirming the Acts by the oblation of his health, which is a presumption that something was designed for his own ends, especially belabouring himself so much in the courting of this perjury so much dreaded. Indeed this was the time when *Rufinus* was in the full career of his cruel and ambitious practices; for this Law is the last that is inscribed to him, neither did he survive the date of it above a Month, so that the pretext for it may seem specious; but it is frivolous in itself, as also another which was made after the death of *Rufinus* for the confiscation of his Estate: for that also seems very hard for such as he had spoiled of their Goods, and both of them compared together, it may seem, that both before and after his death all hope was cut off of any restitution to be made to the right owners. If so it was, and these conjectures were indeed realities, it may be objected, how vain and beside the purpose are these innumerable questions which are made upon this Law by *Alciatus*, *Facinus*, and others, it being cruel, and adapted to the temper of the times; and *Tribonian* is reprehended for rashly putting it into *Justinian's* Code, and making that constant and perpetual, which had its rise from irrational prejudice, and was justly to cease with the occasion, or rather never ought to have been. But yet though *Rufinus* and *Arcadius* may seem to have had these aims, yet the Law deserved to derive its severity even from the temper of the Age, which was such, that as Oaths in Contracts were too ordinarily broken, which made *Chrysostom* now inveigh against that use of them, so was it come to that pass, that if Bargains were made without them, they were not esteemed at all obligatory; Upon the word of an honest man being in those days of no validity. Therefore seeing there was no other means so strong to preserve the faith and compacts of men as the Religion of an Oath, it was necessary to keep up and fortify this Bulwark of humane society with as severe Rules and Cautions as the thing might bear, or could rationally be devised.

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## D. A.

395.

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Sect. 1.

For whom  
Symmachus  
much tickled.

as Mediator, was *Stilicho*, one who could best do his business, and had it so effectually, that *Symmachus* gives him thanks for it in several Letters. In one he mentions how the Father of the Princes, now received into Heaven (*Theodosius*) had shewn before his death several examples of his clemency, and had restored to his *Flavianus*, whom he calls his Son, and sometimes his Lord (their unity in *Pa-* ganish Superstition, as well as in other respects, caused this dearneſs) many things which by accidents had been taken from him. That one and the chiefest Title of goodness was reserved for his Heir (*Honorius*), which at length by his advice (meaning *Stilicho*) he had added unto his Father's Gracious Acts, concluding with himself, that time, and not any will was wanting to him that was deceased. But now (he adds) these Works of Clemency which by Fate had been interrupted, were by his Successor, most like to him in this respect, brought to perfection: that he had consummated what his Father had begun; as a reward for which, he wishes him such Advisors, (*Monitores*) or Counsellors as *Stilicho* himself, and those that are of the same humour, those who suggest honest and honourable things to Sovereign Princes, being the Instruments of a good Age. He acknowledges that in *Honorius* was a wit of a divine fountain, as he words it, and a nature prompt to all virtue; yet to use the comparison, the best Pilots might find assistance from the hands of the Rowers: he tells him, that he was rendered more careful of his fame, both by the trust he had in the Army, and the affection he bore him, as a Relation: and hence it was, that he invented for him ways of gaining love; and when he was employed in the greatest Affairs, advised him to have an eye to the condition of private men. But such evils as are incident to humane life are banished, and in the Senate is nothing sorrowful to be seen. To fame, honour is given; to others it is restored. To one Family we owe whatsoever we are in particulars. What he speaks of here in general, he explains in some of his other Letters, wherein he signifies he was called to Court by the interposition and procurement of *Stilicho*, which they termed *Evocatio*, so, in those times scarcely was it lawful for any to come thither, and leave their Country without leave first obtained; it being a special privilege granted to the *Decuriones* and the *Silentiarii* of the Palace, that after they had served their time, they might come when they pleased without the security of an *Evocatoria*. He writes moreover of his being called to the Dignity of *Consul*, and restored to the *Præfectship*. But before *Honorius* had given perfection to what his Father had done, he being incumbered with his small fortune in several difficulties; by various Letters, written to several men in place, he laboured to raise him Friends: *Protadius*, he prays to assist him in the matter of some payment due from the Soil, from his Father's time; alledging he was not able to undergo so heavy a Burthen. And to *Florentinus*, whom he solicits in the same matter, he expresseth that having already obtained great things by the lenity of the deceased Emperour, that he may sojourn, he is yet strangled with this one knot of misfortune, being poor, and his Patrimony exhausted. Wherefore he tells him, that he, and such as he, ought to prevent his imminent Ruine. Thus tickled *Symmachus* for his Friend *Flavianus*.

Favilla in A.  
frick restrained  
from deserting  
their stations.

23. At this time great Reports came out of *Africa*, that the *Curiales* generally deserted their stations, and consequently the Honour and Safety of the Cities which consisted in their Attendance and Services, much decayed. This drew out an Edict from *Honorius* to *Enninius* the *Proconsul* of that Province, concerning the Nominations to be made of these persons, suitable to those of his Predecessors formerly related. And because to shun their Employments they pretended to travel, or to serve in the Wars; he now decrees, that if in the term of five years they do not return, their Estates shall be seized to the use of the Courts, for the discharge of the Duties and Charges from which they ran. Moreover, to gratify the *Africans* in a matter wherein custom had engaged their affections, he decrees, that those of them called *Sacerdotes*, which were ordained for celebrating of Games, should be restored, pretending therein to renew a kindness formerly granted by his Father. Further, because great men were wont to receive these Fugitives under their Patronage and Protection, in *Italy*, as well as other Provinces, he thought fit to signify, a month after, to *Dexter* the *Præfekt*, that whoever should harbour a *Curialis*, should forfeit the quantity of five pounds of Gold, and one pound for harbouring one of these they called *Collegiati*. But as complaints were made against *Curiales* their forsaking their Employments, so about this time against some Judges or Governours of Provinces for employing themselves too much in the hearing of certain petty crimes, which it was below their quality and degree to take notice of, and rather belonged to those inferior

Magistrates

A. D.

395.

Lib. 4. p. 7.

Interpreting

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Sect. 1.

And Govern-  
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ry Persons  
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ters.He regulates  
the Payment  
of the Jurors  
Oblatians.

Magistrates they called *arenarcha* or *Defensors*, and Assertors of the Peace. One *Papophilus* was the Man that most bore the blame; and to him *Honorius* sent a Pre-  
script in nature and force of a Law, To restrain his Covetous humour, and let him know what Causes he thought below his Cognizance: Such were those of a Slave that is run away; of Theft, whether manifest or not manifest; the taking away of Cattel, Slaves, any Goods by force; or seizing on things Moveable or Immoveable, as on some small piece of Ground, Dung, or some Cottage. An Interdict or Prohibition relating to some Momentary Possession, which sometimes happened upon slight occasions; the removing of Cattel, and other small matters, wherein the Accuser was not to be forced to any Infcription; of which we have formerly spoken. He tells him he will have him Judge of Criminal Causes only relating to this Infcription, and of fit moment for his Authority; imposing a Fine of five pounds of Gold upon those his Officials whose Employment it was to stand at the *Velum* or Curtain, and to introduce Persons into the *Secretarium*, if they suffered any of these petty Causes to be entered and admitted. But *Fulgentian* afterward approved not heretofore, but left the meanest Causes to the Cognizance of the President of the Province: Upon which account *Tribonian* omitted to put this whole Law into his Code, though he hath taken three pieces or Sentences out of it. So various are both the Humours and Exigencies of times.

24. As some of the Civil Judges now a days condescended, out of a desire of gain, to intermeddle in things that were below them, so there were Military Men who thrust themselves into Civil Employments that were out of their Sphere, and above their reach. This tended to the overthrow of Discipline, and such persons by terror of their Arms, might purforce and constraint upon the Actions of Men; and upon these grounds now did *Honorius* prohibit all those that did *Militare* (in which sense and meaning not only Soldiers in Arms, but Palatine Officers and Officials of Judges by the force and extent of the word may be included) to be Judges, Advocates or Proctors in Causes, though they had *Commeatus* or License to be absent from their Colours or proper Employments: And if any should, after the term granted in his License, continue in the Province, he commands that by Order of the Governor of that Province he be punished with Regardation, or put into a place and station inferior to what he held before; as stragglers and idle persons were wont to be punished. But now the time approached when the Senators were to make their Presents to *Honorius*, called *Aurum Oblatium*, to express their joy for his coming to the Government: For this Gold was given of free Will, not by necessity and compulsion, as was that called *Glabialis Collatio*; nor with others, as that called *Aurum Coronarium*; but by the Senate alone upon such occasions, as were the Beginning of a Prince his Reign, his Quinquennialia, or Decennialia, and the obtaining of a *Victory*. From *Symmachus* it appears that when this Oblation was to be made, the *Præfekt* of the City was wont to call together the Senators that were in Town, or those that were nearest to it, to consult concerning the quantity and manner thereof; and when it was once voted by them, then it became a necessary Duty. When it was voted, thereof the *Præfekt* gave account to the Emperor; as *Symmachus* doth, in an Epistle written to *Valentinian* the younger; wherein he acquaints him that the Senate had exceeded the Sums given to his Predecessors: for his Father and Uncle for their Decennialia had received less, and so had his Brother *Gratian* when he celebrated the third *Lustrum* of his Reign: But to him, the Fathers had promised one thousand and six hundred pounds of Gold for the honour of his Decennialia, and that to be weighed by the great Weights of the City. Now, to avoid distraction in the Payment, *Honorius* ordains that such Senators as lived in the City, though they have Possessions in distant Provinces, shall pay it where they dwell, their Rents being wont to be returned thither by their Officers; but of those that had their Abode in the Country, the *Consules* shall receive it; of which there were some that were employed in the Provinces as well as those in the City (of whom we have so often spoken) the Employment of whom it was to dispose of the Collection of such Dues as were paid by Senators.

25. Whatever *Honorius* received now in way of bounty or otherwise, he was deceived much at this time by such as were continually begging of him, there being several Estates fallen to him by the Overthrow of *Eugenius* and his Party, notwithstanding the Act of Grace this Year published. Several Princes several ways had formerly endeavoured to obviate this Trade of those gaping Courtiers, who, when they begged things of greatest value, were wont to dissemble and conceal the greatness of them. Some Princes would not hear nor make any Grant till the

Goods

A. D.

395.

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Sec. 1. *tes* as were called *Ducenarii*, and were promoted to be *Principes*, he grants this high favour; that if they receded from their Employments, they should have liberty to put their Sons or their Brothers into their places. This was an extraordinary favour: To which he added afterwards, that those who had been *Principes*, and thereupon enjoyed the Dignity of *Consulares*, should take place of one that had been *Consularis* himself if they went out of their Employment before him. Moreover, to the *Scriniarii*, or those that served in the three *Scrinia* (*Memoria Epistolarum & Libellorum*, to which the Year following he added the other *Scrinium Dispositionum*) he confirmed the same Privileges as had been granted them by *Julian* and *Valentinian* the Younger, of entering the *Secretaria* of Judges without any Messenger sent before hand, and sitting with them; to which he adds, that after they have served twenty Years they shall be reckoned amongst *Exconsulares* or *Adlecti*, have the same Honour with them amongst the Governors of Provinces, be free from the Functions or Duties belonging to Senators, and be discharged of all publick Troubles and Services.

A Law to restrain the undue favouring of Rufinus his Estate.

Another to relieve the Wife of Rufinus and the Relations of other condemned Persons.

30. Present Success and Felicity blinds the eyes of Men in such manner, that they cannot read their own Destiny, though clearly described to them in the Examples of others, in the Copies after which they themselves do write. The Ruin of *Rufinus*, the Shipwrack of his immense Estate, so cruelly and unjustly acquired, could not but be ever in the thoughts of *Eutropius*; but because he himself had been the Instrument of his Ruin, he hoped that that hand which pulled down others would be strong enough to support it self. Now did those who had been injured by *Rufinus*, flock to the place of his ill got Wealth, and would needs be their own Judges what and how much did belong to them; which, as it tended to Confusion and Breach of the Law, so the Emperor's Exchequer was sure to be injured by it, to which all that *Rufinus* had possessed were confiscated: or else *Eutropius* laying about him, and taking to himself what he thought fit, and permitting others to do the like; *Arcadius* published an Edict inscribed to *Casarius*, the Successor of *Rufinus* in the *Præfectship* of the East; Prohibiting any one to meddle with the Estate; but to let it remain as it was, till such time as they could by due Course of Law make good their Claim, under pain of losing all they had, and further Punishment. "Some there are, who considering the Rapacity and Disorders of these times, think this Law made on purpose to ingross to the Emperor's use the whole Estate of *Rufinus*, and to deprive those that he had injured, of their Right. But another Law followed half a Year after, which makes a shew of more Equity than to unjust a design would admit of. For whereas the Wife and Children of *Rufinus* and of other proscribed Persons were great sufferers after their death, in having their shares in their Estates pilfered away or confiscated, *Arcadius* did them Right in another Constitution directed to *Casarius*; Wherein he declares that if any person fall from thenceforth be proscribed, he himself shall alone be punished for his Crime, and have no Comfort with him in the loss of his Estate. That a Wife shall not partake in the Lot of her proscribed Husband; but before his Goods be seized, lay hold on and secure what belongs to her self: Or if they be seized already, recover them in a Legal way. That she shall recover her Dower or Portion she brought along with her, provided she prove evidently that it was paid, no heed being to be given to Writings only, in this case. Moreover, if her Husband engaged any thing to her before Marriage, and while yet he was innocent, she should recover this also; though *Constantine* extended a Permission of this nature to such things also as were given after Marriage: And not only to the Wife, but the Man's Brothers, Sisters, Kinsmen and Allies, he indulgeth this favour, concluding that *Every one ought to be in a condition as far from fear and punishment as he was from the Crime it self*.

The Soldiers in *Armenia* prohibited to put themselves into the Services of private Persons.

31. As *Arcadius* took care for Relief of those Persons whom *Rufinus* had involved in his own Ruin; so he was constrained at this time to provide for their security, in the Ruin of whom he thought to raise his own further Advancement. That the *Huns* invaded *Armenia* as other Barbarous Nations other Provinces, and that by his procurement, as was believed, several Writers assure us; which being a Frontire Province, and therefore of great Concernment for the Empire, it behoved that the Soldiers there employed should not wander from their Colours, but attend the publick Service they had undertaken. But as we have lately seen that it was too common for some of their Brethren to thrust themselves into Civil Employments, so they that served in *Armenia* were accustomed to put themselves into the Services of private Persons; Which this Emperor, by a Law inscribed to *Rhemisthenes*, the *Dux* of this Country, severely prohibits to be done upon pain of death.

A. D. 396.

L. 1. de de-  
f. ad. tit. ab-  
est. ad. tit.

L. 1. de de-  
f. ad. tit. ab-  
est. ad. tit.

L. 1. de de-  
f. ad. tit. ab-  
est. ad. tit.

L. 1. de de-  
f. ad. tit. ab-  
est. ad. tit.

L. 1. de de-  
f. ad. tit. ab-  
est. ad. tit.

Sec. 1. of a Mult of five pounds of Gold to be incurred by every one that receives them: Which severity was afterwards amplified by *Justinian*; who punished the Receiver with a Confiscation of all his Estate, and the Soldier with death after his having the Military Girdle taken from him. "So necessary is the Observation of Military Discipline for the Preservation of the State. At the same time he was put upon it, as a thing very requisite, to provide for securing the Estates of Pupils or those that were left very young, against the Carelessness and Fraud of Tutors or Guardians. In order to this he ordains that the Tutor, as soon as he is assigned, shall go to the Judge or Governor of the Province, and there make an Inventory of his Pupil's Estate. This he will have solemnly done in the presence of the *Primates* (of the *Decuriones* formerly spoken of) the *Defensor* of the City (who was to have eye to the condition of Children, as well as others, that wanted help) and of the *Scribes*, or Officers whose Aid was requisite for such a Work. "Now, as for the End and Design of making this Inventory; by a *Sensatusconsultum* in *Severus* his time, and a Decree of his, it had been ordained that Tutors, with the Money they found in the House, and such as they could raise by Sale of Moveables, should purchase Land if it were to be had: if not, they were to put it out to Interest with the best Prospect of Safety they could make.

32. *Constantine* thought fit to restrain this liberty allowed them; prohibiting them to put Gold, Silver, Gems, Cloaths, or such things moveable; because the way of putting Money to Interest was very uncertain, and often times all that the Children had confisting in it, if it miscarried, they must necessarily be undone. *Arcadius* now useth a Distinction for Accommodation of this matter; ordaining that if the Pupil have Lands or Revenues wherewith to maintain him, then such Moveables as Gold, Gems, and other things that would not perish with keeping (for by the Law Guardians were bound to make Money of those that would) shall not be sold, but safely locked up somewhere under the Seals of the *Primates*, *Defensor* and Officers, till the Child shall arrive at Lawful Age. But if there be no Lands, or not Revenue sufficient for Maintenance of the Pupil, then shall they be purchased with the Money arising from the Moveables; which shall be put to Interest if Lands be not to be had. He was of Opinion with *Constantine*, that there was great hazard in putting out of Money, and that it had better lie dead than miscarry, besides the trouble to which the Guardian was to be put, if it were placed in ill Hands. But in case of necessity, if the Child had no Revenue, then he thought it as convenient to venture it as to spend upon the Stock. "What he thus ordained was afterwards altered by *Tribonian* in some respects. First, as to the time of making the Inventory; for *Arcadius* requires it be as soon as the Tutor is assigned, or in the same moment; which he changes for a word of more Latitude, some being of the Opinion that three Months are allowed for a Tutor, as well as to an Heir, for the making of it. In the next place, he took away the necessity of going to these *Cognitores* or Judges; allowing it as sufficient if the Inventory was made in the presence of publick Persons, naming others beside those required by *Arcadius*. The Seals of these Judges, Senators and Officers he required not, neither the Authority of publick Sentence for locking up the Goods. He takes away the Distinction of *Arcadius*, ordaining that either Land be bought with the Money, or else that it be put to Interest; and he speaks of safe keeping of it, though he will not have it to lye idle. Afterwards, *Justinian* bethinking himself, commanded that the Money should not be put to Usury, without a necessity was found for so doing.

33. Such care was taken by *Arcadius* for securing the Estates of Children, when left unto them: But there was further need at this time to prevent Questions and Disputes whether they were left or not, such holes were picked in Testaments by those that were concerned or over-busie. Sometimes a mistake might happen in a Testator or a Scribe, who might call that a Codicil which he meant for a Testament; and, to speak truth, most Testators were so timorous at this time, that despairing to observe that exact diligence which the Law, as was pretended, did require, that they would call their Wills by several names, and add Clauses at the ends of them. Now, these Mistakes, Cautions and Superfluities he declares shall not at all hinder the effect of the Testaments, provided the Solemnities thereof be evident; it being a Rule, as well in Testaments as in Contracts, that superfluous Acts or abundant Cautions do no harm. Moreover, though at the beginning of the Testament the Testator made mention of no Witnesses at all, or spoke of more or fewer than indeed he made use of, or mistook their Names, so long as he made use of a Lawful number, it should suffice; for in this Age the

He takes away Scrupulousness in the making of Testaments.

L. 1. de de-  
f. ad. tit. ab-  
est. ad. tit.

Sect. 1.

cultom was to preface the Wills with a Declaration what fort of one they purposed to make, and what Witneses they intended at the Publication. But then he requires the Legal Requisites about Witneses, as that they be five in number ; that they be called for that purpose, and be not ignorant what they come about, and the Testator see them present. But he declares that there is no need that they know the Contents of the Will ; but the Testator may declare that Writing to contain his last Will and Testament, and desire them, as such, to fet to these Hands and Seals. And lastly, moved by the Opinion of the great Lawyer *Secunda*, and swayed by his Judgment, he thinks it lawful for the Wineses to have Legacies left them without taking away their Testimony, and so rendering the Will Null, and of none effect. As for the five Wineses, they were ordained to be so many by the ordinary Common Law : When the Will was made, as they say, *per as & libram*, by way of Sale by Money weighed in a Balance, there being then present, besides the five Wineses, he that held the Balance and he who was said to buy the Estate or Family. But else, by the Law of the *Prator*, when this Solemnity, *Per as & libram*, was not in use, no fewer than seven Wineses were to be present.

be present. Such reason did the *Romans* find to be so accurate and careful in the making of Testaments, wherein whole Estates are wont to be conveyed. It was free for any one to make use of whether of these Courses they pleased, either of the *Æs & libra* when *Mancipation* was made, or of seven Witneses when it was not; for they were still both in use in the time of *Arcadius*, though afterward, when the *Prætorian* and *Civil* Law became united together, the use of the *Æs & libra* by degrees grew obsolete, and the use of five Witneses came to be generally received. So the Law stood as to Testaments; but as to *Codicils*, seven Witneses were thought fit to continue. These *Codicils*, as to their first Original, were Writings

thought fit to continue. These *Codices*, as to their right Originals, are thought by the Testators for a Supply or Amendment to their Testaments; but after they were made when new Testaments preceded, and when otherwise the Party died intestate; and in this case because in reality they had the force of Testaments, and operated accordingly; therefore as great a Solemnity was requisite in the making of them; although, if a Testament did precede, then no Heir could be instituted by virtue of a *Codicil*: And afterwards *Fulpinian* absolutely forbid that by a *Codicil* any Heir should be instituted. But that we may join things of the same subject which happened to near together, and were ordained by the same Person, *Arcadius* the following Year, by an Edict sent to *Africans*, the *Præfect* of *Constantinople*, commanded the old Custom to be observed, of opening or publishing Testaments, after the death of the Testators, at the Office of the *Consules*; or before the Master of that Society; otherwise he would have them void and of none effect. "This was a certain Course to prevent Frauds, and here was the Register wherein were recorded, insinuated and preserved not only these Publications of Testaments, but other things, as Contracts, Donations, and the like."

**Whether a Le-  
gatee can be a  
Witness.**

A. D.  
396.

### CHAP. III.

Sect. I.

practised it; as he tells the story himself in a Relation made by him to *Theodorus* concerning the Testament and Estate of one *Agurine*: The Estate being granted away, as fallen to the Treasury, in case no Lawful Heir appeared, amongst other Tricks this Objection was made; that the Witeffes had a Legacy left them in the Will, and a Receipt of the Emperor's was alleged to prove that the Testimony of a certain Witefs was rejected, who by his witeffinesse would have helped his own Cause, as if it was the same thing, and a little respect being ed to the Witeffes, merely out of Friendship, could hinder or abolish a Lawful Judgment. If, saith he, we should live under such Laws, it would be better and safer to have our Enemies for Witeffes, to whom for their Enmity the Testator would be fure to leave nothing: I am grieved to say that the greatest Legacy amounted but to five *Soldis*; the rest being rather remembered than grastified with any Summ of Money. Therefore the Estate is very pitiful and inconsid- erable, if so small a matter can derogate from the Testimony; or if it be ample and large, so small a Summ given in Legacy ought to be void of suspicion: Who is there that doth not fend for the best Friend he hath when he makes his last Will and Testament? And what wonder is it, if out of respect to the Sacred Bond of Friendship, he that is fent for defereth something therewith to remember the Testator? I speak not for such a Witefs to whom a great part of the Estate is given; for though his Conscience may be good, yet he gets his Wealth with- out little Modesty. But these Legacies (I speak of) were small Pledges left out of love, or else for shame (for the trouble to which he put them) given by the Testator. This Religious or Decent Course is not contradicted at all by new Laws; only, since the Memory of Man, one *Rationales* (to whom the matter of Elcheats could belong, as we have seen) hath appeared and adventured to introduce a new way of Judicature. Hence came the Appeal to be made, wherein he mentions another trick to cheat the Judges; such ill Instruments will there be, even of the best Princes and chaste Hides. " But such was the Judgment of *Symmachus*, whose distinction betwixt a small Remembrance and a great part of the Estate left in a Legacy, is to be taken notice of. In the first case, it's trifling to dispute the matter; In the Second, some have been of Opinion to admit the Testimony in other parts of the Will, wherein the Witefs is not concerned:..

Barbarous Nations infest the Empire.

Command gi-  
ven to fortifie  
Cities.

He publisheth  
an Act of Re-  
sumption.

Asserts that a Petition presented to him-  
self shall be held for a Con-  
testation of the  
Suit.

36. But the Barbarous Nations at this time were still so troublesome as to infect several Countries in the East. *Philoftrorgius* wrote of two Armies of the *Huns* which about this time infected the Empire; whereof the one made an Incursion into *Thrace*, and the other into *Armenia*, and others of the Eastern Provinces, as *Syria* and *Cilicia*. Besides them, in *Lybia* of *Pentapolis* and *Egypt*, 4 People called *Mazaces*; and another known by several Names, as *Asfuriani*, *Aforiani*, *Aufuriani*, *Aufuriani*; and *Saturiani* were tumultuous; so that the Inhabitants were forced to keep themselves within the Walls of their Cities, as they were commanded. Now, in times of Invasions and Irruptions, fenced places being the only Refuge of the poor Inhabitants; *Arcaidius*, by his Edict directed to *Casarius*, gives him in charge, by the Senate's Letters, to admonish all Governors of Provinces; and let them know, that the Senate and People of all Cities must either build new Walls, or well defend; if they sufficiently repair those that were old and decayed. In the first place, he would have them consider how much Money would be necessary for these Works; that "no more than needs, and no less than is convenient, be imposed upon the Provinces." Then, that an Indiction or Tax be made as is equitable, and according to the Lands and Possessions of the Inhabitants, by the number of Acres. As he thus provided for the safety of the Provinces; so to strengthen himself and improve his Estate, he thought fit at this time to publish an Act of Resumption, for recalling all these Lands which had formerly belonged to his Demain or *Res Privata*, declaring that no Prescription should avail the present Possessor of what could not be private Men be possessed; neither any new Pretence, nor yet any Reciprocity of former Princes should be sufficient to retain that which never ought to have been resigned. To assert his own Authority by another Law, he declared shortly after, that a Libel or Petition presented to the Prince should be taken, and repured for the Contestation of the Suit. But that an Heir could have no benefit thereby, nor any Action, if his Predecessor deceased, had no Cause of Action himself; so that though in case of a Sale there was Cause of rescinding of it, which could not be, except one half of the Worth was not bargained for: Yet if the deceased person had neither contested the Suit himself, nor petitioned the Emperor (which he had the force and effect of a Contestation) the Heir could have no Cause of Action, and it could be proved that the Sale was made out of fear, and by compulsion.

A. D.  
306

b.11.c.8.

34. de Operib.  
blis. Co. i. Tb.

de Farè  
Cod. In.

lt. de fundis  
saltibus rei  
publicae.  
de Diversis  
scriptis Cod.  
lib. 1. tit. 2.  
l. 1. quando

सुखदं ३०





Sec. 1. kind, when they should know that their Superiours were obedient; and if he should offend again, his Offence should be grievously punished. *A. D. 395.* *Honorius* further observing some inferior persons by virtue of Umbratiles or similar Honours obtained by Codicils, to be proud, and refuse those employments which the publick interest of the Common-wealth required; they should discharge, declared to *Florentinus*, that though such as had obtained Patents for the Honorary Dignity of *Exproctor*, or *Domesticus*, enjoyed that Dignity, they should for all that, if *Codices* be still bound to the *Cæse*; if of Colleges or Companies; to the Cities; and if Merchants, be obnoxious to the payment called *Lustralis Callatio*, neither be free from any Service or Duty whatsoever to which their Birth or Condition made them liable, which he will also have observed as to their Children, provided that nothing of this extend to such as had obtain'd an honourable mission from the said Employments of *Domestic*, or *Proector*, after that they had served their full time, been wounded, or were hindered from continuing by want of health.

He regulates the manner of publick Registers.

He restrains Consultations.

41. The business of Registers being so vigorously pressed at this time, or of recording Testaments, Donations and other matters daily incident, it became a question in *Spain*, what Solemnity was requisite to it, or who must be present at the making of these publick Acts. To satisfy them in this point, to prevent fraud, and to give greater authority to Truth, *Honorius* writes back his *ple* to *Petrinus*, the *Visc* of that Diocese, that he will have present the Magistrate of the place, the publick *Exceptor*, or Clerk of the Acts, and the *Principales*, or prime *Declinantes*, five in number. By Magistrate must be understood the *Dumvir*, if it was a City or Town that had such, or the *Defensor plebis*, that belonged to the place, there always being a supply of *Exceptors*, not only in the Courts of Provincial Magistrates, but in each *Curia* who wrote and registered the Municipal Acts. There was an error usually committed by Judges in those days, of too easily making relation to the Prince himself, of matters which occurred in their ordinary course of Judicature: and these Consultations indeed kept up the authority and repute of the Emperor, and sometimes in some difficult cases there was need of making Relation; the Prince having those Lawyers about him, whose work it was to cut the hair in such intricate debates. But the ordinary Judges were commonly affrighted with the noise of an Appeal, or had not presence of mind sufficient, but were diffident in their decisions, to the great damage of the Parties, by drawing out Suits to so extravagant lengths. Therefore *Honorius*, acquaints *Messala*, his *Præfect* of *Italy*, that in Civil Causes wherein, before Appeal, there is no need of the Prince his Cognizance, all Allegations having been admitted, and considered on both sides, the Controversies ought to be determined, and not deferred by a Consultation. Forasmuch as it is not to be suffered, that because the cantancy of a weak Judge is shaken by the noise of an Appeal, therefore the Party his expectation must be suspended by the tedious ambiguity of a Consultation.

Gives leave to exchange provisions for Money.

Sets the rate of Brads, which was to be furnished for Arms.

42. It grew towards the middle of Summer, and by this time *Honorius* might have some intelligence concerning *Eutropius* his tampering with *Gildo* in *Africa*, and what followed thereupon. It concerned him to apply himself to Military cares, to see that he had men in readiness to defend himself, and that those men were well supplied with all Necessaries. His Brother *Arcadius* had this year forbidden any money to be taken by Soldiers, but the *Species* themselves, under great penalty inflicted on the Governors of Provinces for conniving at it. He was not of this opinion, in reference to the circumstance of his District, it being made lawful by former Princes to make an exchange of other things, besides, that they called *Capitum*, for Money; but for fear the people should be oppressed, he prohibits any more to be exacted than what had once been determined by a Constitution of *Valentinian* the Elder, what ever Letters they might produce from the *Præfecti Prætorio*, or even the Prince himself, wherein no rate was expressed. But though other *Species* might corrupt with Age, and therefore the Soldiers might be put off with unwholesome Provision, yet that they termed *Capitum* (Hay or Straw) was not liable to such inconveniences; and therefore, as *Valentinian* before him, he allows the Provincials to pay it in kind, yet not to be compelled to convey it to the Soldiers Quarters. Besides, the Provincials being bound to find Brads amongst other Materials for furnishing out the Arms of the Soldiers, that there might be no rigorous exaction neither, in this kind, he settles the price of Brads, so as that twenty five pounds of it shall be valued at one *Solidus*, which number of pounds *Justinian* in his time brought down

A. D.  
395.

L. 2. de Officiis  
nial. Cod. Th.  
L. 1. de Offi.  
Cod. Th.

L. 151. de Pro-  
curatorib. Cod.  
Th. Dat. Non.  
L. 1. de Offi.  
Cod. Th.

L. 15. de Ap-  
pellationib. Cod.  
Th. Lib. 11. tit.  
30. Dat. 14. Cal.  
Jun. dñb. a  
Cod. Th. Item  
tamen in iudi-  
ciis non omnes  
autem non  
fuisse jure.

L. 21. de Pro-  
curatorib. Cod.  
Th. Dat. 15. Cal.  
Mali.

L. 23. de Offi.  
nial. Cod. Th.

L. 23. de Offi.  
nial. Cod. Th.  
L. 1. de Offi.  
Cod. Th.

Sec. 1.

Takes care for  
improving the  
Lands of the  
Bakers.

Gildo usurp-  
ing in Africa.

Honorius pro-  
vides against  
a Death in  
Rome.

Arcadius  
makes it law-  
ful to give ven-  
ue in the  
Greek  
Tongue.

down to just twenty, so much was Brads risen then in the Market value. 43. But from the Market of Metals it was very convenient that he should take himself to the Market of Bread; for the state of the City of *Rome* did very much require it. There were, as hath been said, divers Lands which appertained to the Body, or Company of *Bakers* there; and, that in divers Provinces, from the Revenues of which they received considerable Advantages. But by some means or other these Lands were fallen to little or nothing, and so little profit did they make of them, that they were forced to besake themselves to other shifts for a livelihood, which pressed low upon the people, whose Bread they made. To find some remedy to this Distress, *Honorius* orders *Eusebius* the *Præfectus Prætorio* of *Italy* to find some honest and industrious man to make an inspection into the state of those Lands, to see their value, and then to let them out in perpetual Right, or *Emphyteusis*, to fit Tenants, (as Grounds reduced to none or little value were wont to be) under a certain Rent for the profit and encouragement of the said Company. This proved very seasonable and convenient, rather than made out of prospect of what shortly after happened. For about *November* following, when Winter came on, *Gildo* having let up for himself in *Africa*, kept back that supply of Corn, which from ancient times was designated to *Rome* out of that Country; whereupon the City fell into grievous want of Provisions, now destitute of so certain a Granary as that had formerly been unto it. Upon the noise of the Dearth, *Honorius* first thought that the fault lay in the *Navicularii*, their abusing that Indulgence which had formerly been granted them by *Constantine*. He allowed them two years wherewith by Acquaintances they should prove the due receipt and delivery of so much Corn as they pretended to import, and this was because of the danger and trouble of Navigation in Winter. Now he concluded with himself that they made this advantage of it to keep the Corn, and sell it after such rates as they could get, having time enough to provide themselves of more against that term which was appointed them. The two years he is still content to allow them for making good their faith, but he would have the Corn, or whatever other *Species*, delivered within one year, and an Acquittance taken for the delivery of it, though in two years the account might be adjusted. This he thought would conduce to the bringing in of the Corn; but if it was given out to the people by little and little as it came, he concluded it would not go so far; and therefore by another Edict sent to *Florentinus* the *Præfect* of the City, he commands, that none be distributed gratuitously, (this being the *Annona Civica*) till the whole Canon or quantity was imported; threatening his Officials with a Multitude of ten pounds of Gold, in case his Rule were not observed. Though as to *Florentinus* himself, it appears sufficiently from a Letter of his Friend *Symmachus*, that he was much concerned for the supply of the City, finding the returns from *Africa* to be so small.

44. The Year CCCXCVII had *Fl. Celsarius* and *Pontius Avitus* for Consuls: *Celsarius* and *Eutychianus* were for this year *Præfecti Prætorio* in the East, under *Arcadius*: under *Honorius*, *Theodorus* held the same Dignity in *Italy*, and *Vincencius* in *Gaul*. *Arcadius* made his abode at *Constantinople* the former part of the year, where being solely ruled by *Eutropius*, he had little to do, but assent to, and ratify such Edicts as were brought to him by his *Quæstor*. That part of the Empire over which he presided for the most part, made use of the Greek Language, and though the *Latine* Tongue was the Native Speech of *Rome*, the Masters of the World, yet in those remote *Thracian* and *Asian* Parts, many there were that did not understand it, and therefore when the Judges gave sentence in it, they often spake to the parties in an unknown Tongue. To remove this inconvenience *Arcadius* signifies to *Julian* the *Proconsul* of *Asia*, that it should be free for Judges to pronounce their Sentences as well in the Greek, as in the *Latine* Language, though as yet, Pleas and Proceedings seem to have been still continued in the same Tongue in which the Laws were written, as here they did in *England* till the time of *Edward* the Third, in *French*, to the great disorder of the Natives; but such is the power of Conquest both as to Laws and Language amongst other things; though now and then some Sentences even at *Rome* were given in *Greek*, where this Tongue was familiarly known. That *Eutropius* should approve and consent to this License, there's no doubt at all; but another Law shortly followed, which we know not how it suited to his Genius and Designs, it seeming utterly to thwart that Trade which he so vigorously drove on at this time, of making Money or his Ends of every Dignity and Office of Worth about the Emperor. Whether he knew not of it, or, which is most probable; procured

A. D.  
396.

L. 2. de Censu  
ari. Cod. Th.  
Th. Lib. 11. tit.  
21. & L. 1. Cod.  
Th. de Censu  
ari. Cod. Th.  
L. 1. de Offi.  
Cod. Th.

L. 25. de Censu  
ari. Cod. Th.  
L. 1. Cod. Th.  
L. 1. Cod. Th.  
L. 1. Cod. Th.

L. 2. de Censu  
ari. Cod. Th.  
L. 1. Cod. Th.  
L. 1. Cod. Th.  
L. 1. Cod. Th.

A. D.  
397.

L. 12. de Stru-  
ctura & in-  
ter. Cod. Th.  
L. 1. de Stru-  
ctura & in-  
ter. Cod. Th.



Sect. 1.

whether the died Testate or Intestate, that they may receive the maintenance rather of an Ingrateful Daughter, than any real advantage and name of an Heire; For they ought to be more mildly Sentenced, who by reason of the Infirmitie of their Sex, we believe will not be so daring. If Emancipation shall, after the making of this Law, be conferred either upon Sons or Daughters, let it be of none effect. Portions to Daughters, Donations and all sorts of Alienations which shall appear by Fraud or according to Law, to have been made from that time wherein they had thoughts of entering into the said Faction and Society, we pronounce to be of no force. Their Wives, their Dowers being recovered, if they have received any thing in way of Donation from their Husbands, on condition that it be referred for their Sons, at such time as the Uffusfructus is over, shall know that they shall leave all to our Exchequer, which by Law was due to their Sons; a part being assigned of this Estate, according to the *Falcidian* to the Daughters, but nothing at all unto the Sons. What we determine concerning their Sons, shall with the same severity be inflicted upon their Partisans or Defenders; such as were conscious to their Crime, their Ministers and their Sons. Indeed if any of them in the beginning, or when they enter into the Faction, stirred up by a desire of true Praise, shall discover the said Faction, he shall be both rewarded by, and receive Honour, from us. And he that shall proceed in the Faction, if though late, yet he will reveal their Councils, that are not known, shall only be accounted worthy of Absolution and Pardon.

48. This Law, though made upon this occasion, became in after times very famous. Forty Years after the making of it *Theodosius* the younger, thought fit to put it amongst other Constitutions of Christian Princes, of which his Code is Composed; and so did *Fulfinian* in the Age following, Translate it into his; moreover in all Books written in the *East* concerning Law it's still mentioned. In the Western parts indeed for some Ages it was not known; as neither the better part of *Theodosius* his Code, nor any of that Body collected by *Fulfinian*. But as soon as *Fulfinian* Books were discovered here, this Constitution saw the Light, and got not only Interpreters but Imitators, and Transcribers both in the Palace and elsewhere, so that it began to be produced and fited to many other Occasions. *Gratian* a Monk of *Bononia*, about the Year MCL compiling a Body of Pontifical Law in Imitation of *Fulfinian* Books, (which first then came abroad in the *West*) Intituled by him *Concordia discordantium Canonum*, but now called *Gratian's Decree*, and as some say was approved by Pope *Eugenius*, amongst many more constitutions of Princes, put this into it, and so Canonized it. And *Charles* the fourth Emperor inserted it in his Golden Bull, so much celebrated amongst the *Germans* about the Year MCCCLVI and applied it to the Electors Ecclesiastical and Secular. Some Critics carp at it as cruel, blaming *Fulfinian* for Transcribing it; and others as earnestly defend it. No Law hath afforded occasion of more Controversies, Decisions, Reports and Councils, while Lawyers dispute to what Persons and Estates it's to be extended, in so much that not only Glosses but Books have been written upon it; and such as professedly write concerning Treason, have made it the foundation of their Discourses, though the original Occasion and historical Causes have been touched by few, and that very lightly, till *James Gothofred* made it a subject of another Discourse, the History of this time being very scant and nothing said of it by those few Writers that are still remaining.

Though the historical Cause was little understood.

The Subject of it.

How many faults of it.

49. However, the Subject of it, is the Contrivance of the Death of such Persons as were next to the Prince in Government or Dignity, and that by entering into a Faction or Association, which *Arcadius* by his Legislative Power maketh Treason. The design of it is to prevent Murder, and this designed Murder is declared Treason, upon which double account it is inserted into several Codes under several Titles; as in that of *Theodosius* under the Title of Murder, and joined to the *Cornelian Law* de Siciariis; into the other of *Fulfinian*, under that of Treason, and joined to the *Lex Julia Majestatis*, several other Constitutions being thus inserted into several Books, under divers Titles, for the like reason. Now there are four sorts of Treasons; *Crimina Lesa Majestatis*. The first is, when any beareth an hostile Mind against his Prince or Country, as to overturn the State, disturb either in whole or in part the publique Peace, quiet and security, by exciting foreign Powers against the Common-wealth, or endeavouring their relief in any kind, when in a State of Hostility. This is the highest Treason, called in Latine *Perduellio*, whereof in the highest manner they are guilty, who contrive the Death of the Prince whose Person ought to be Se-

A. D.  
397.

\* De his legibus  
Valerius Juvencius  
consulens agit  
hoc modo. Legem  
Cornelianam  
Sicariis movens  
Cicero in Philippicis  
Sic. ubi  
quoniam Julius  
Caesar legem  
Cornelianam  
concordavit  
ut sicque  
legem Juliae  
Majestatis evadit  
Imperatorem  
atque patrem  
legis, ut patet ex  
Juvencio. Atque  
hoc est quod  
Statutus in  
Nepotem, legem  
Julianam  
evadit, quae  
est Cornelia de  
Sicariis movens  
fuit. Nam  
legem  
Cornelianam  
minus veteri  
datam ad  
recitandum  
transfudit  
Iulianum  
revocavit  
responsum  
Nero.  
Sunt  
legum  
Julianarum  
in  
d. de  
Ammonius  
Marcellinus  
lib.  
10. p. 153.  
At vero in  
codice  
Theodosiano  
ad legem  
Cornelianam  
de Siciariis  
distinguitur  
et sicque

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cred; or the depriving him of his Crown and Empire. The second sort is the *Crimen lesa venerationis*, when Reverence due to the Prince, and necessary for preserving Government and good Order, is violated by any naughty Fact or word, as by opprobrious Language, breaking his Statues or abusing his Pictures. The third kind is when the publique Power or Authority is violated, as by resisting, abusing or striking a Judge or Magistrate who is doing the business of the Prince, is in the just exercise of his Power; or by arrogating to ones self something belonging to Majesty, as Coining of Money and the like; as the defacing of Coyne, is doing Violence to the Sovereignty. The fourth is, when any other Crime, by reason of its greatness, or ill effects, is though it be not so in its own Nature, declared to be Treason or made such, as several things with us have been made Felony and Treason, as the holding of such and such Tenants in Religion in the Reign of *Henry* the Eighth. This Treason is precarious, in Latin *Majestas Precaria, Fictitia, Exemplaris*, and *Quasi Perduellio*. And such is by this Law, made by *Arcadius*, the contrivance of the Death of such as were about him, to whom he doth as it were Communicate his Majesty, as Wives are said to be irradiated by the Beams of the Dignities and Honours of their Husbands.

50. The Persons by and with whom these Factions were made, were either Souldiers or private Men. By Private in this Age, were meant not only such as were by this word, distinguished from the Prince, and from Magistrates and Dignified Persons, but such as were not in military Employment, being otherwise also in Latin called *Privati* and in Greek *Idiotae*. Both these sorts were either Natural Inhabitants or Barbarians, by which are to be understood not such as were called out of Barbarous Countries, for carrying on some Plot or Designe, but such as indeed had filled the Empire since the time of *Valens*, who gave to the *Goths* Ground to Inhabit in *Thrace* and other Countries; the main cause of all the Calamities wherewith the Empire was at length oppressed. Under *Theodosius*, when *Athanarich* was dead, his Souldiers all submitted to the Roman Empire, and were made one Body with the Roman Militia, as several writers testify, so that Barbarous Souldiers lay at *Constantinople*, and the *Goths* were placed particularly in *Phrygia*: Nay, now they might either be Souldiers or live privately; they bore, as we have seen, Offices of Magistracy, and were promoted to Dignities, *Illustrious, Senatorian, Palatine* and *Provincial*. The Persons whom *Arcadius*, by denouncing the Pains and Penalties of Treason, labours to protect, are also of three sorts; Illustrious *Consistorians*, *Senators*, and such as did *Militare Principi*, or serve the Emperor. By Illustrious *Consistorians* who are meant, sufficiently appears by what we have formerly said of these great Persons, as also by *Senators*, who were in highest esteem, during the Reign of the Author of this Law; but whom we are to understand by *Militantes* is more obscure. Not certainly those that served in the Army, or every Souldier as the *Greeks* grossly interpret it, as if *Arcadius* had by this Constitution made the Person of every ordinary and common Knapack-carrier, *Sacrosanctum*. Neither can it be only those of the Emperors Guard, or those that watched about his Body, as the *Domestici* and *Protectores*, as others have mistaken, though they indeed may more properly be said *Militare Principi*, and *intra Palatinum Militare*, whom, for their care of his Person, *Arcadius*, in one of his Constitutions, calleth *Domestissimi Militares*, as is most evident to all that know any things of the Laws or Monuments of these Ages, signifies to serve the Emperor in his Palace, though not by the Sword, as well as in the Field; and the *Palatine* Officers are called *Militia* as we have seen sufficiently in the *Polity* of the Empire.

51. For as much then as it cannot be imagined that every common fellow of the Guard, or of the keepers of the Body, whereof there were many, should be so valuable, as to have a Ray of Majesty Communicated to him, and be made *Sacrosanctum*, we cannot but be of *Gothofred's* opinion, that such are in this Law to be understood as Exercised *Palatine* Dignities, as the *Comes Domesticonum*, the *Castrensium Sacri Palatii*, the *Primicerius Notariorum*, the *Magistri Scriniarum*, the *Comites* and *Tribuni Scholarum*, the *Tribunus* or *Comes Sacri Stabuli*, and others. For, these, in a peculiar manner and by way of Excellency were said *Militare Principi*, who in consideration of Place and Dignity were joyned with *Senators*, as by the Laws any may perceive, with whom it is absurd to imagine that ordinary Souldiers, common *Satellites*, or ordinary *Domestici* or *Protectores* should be joyned, and partake with them in so vast a privilege, as also to think, that so great a Faction and Conspiracy should be raised against such inconsiderable Men, and this made such a crime, that all that were but ministerial and conscious to it, must be so severely

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verely

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verely punished. But, not only these great Court-Officers are here to be understood, but Provincial too, both Civil and Military, who are all laid *Militaria Principi*, being all girt with a Girdle; which Custom extending of old to others as well as Soldiers, is now beyond the Seas as ordinary amongst Lawyers and Physicians, who use the Callock and Girdle in their Employments in Courts of Justice, and when bearing any Office in the Schools, as well as Divines. This was agreeable to the *Fulian Law* (to which this Constitution is added) which made it Treason to compass the death of any *Roman Magistrate*, or such as had Command and Power. These being generally the Creatures of *Eutropius*, or to whom he was obnoxious for receiving their Money, were thus secured by the Severities of this Constitution; which, we may easily enough conclude, was extorted from *Arcadius*, to protect the Power of the Eunuch and his Dependents, and hide the Crimes of these Officers he had preferred.

52. However, this took something off from the Solemnity and Designment of the Law, that it was but part of a larger Constitution directed to *Eutychianus*, the *Præfatus Pretorio*; who had made Relation to the Emperor of what Misconducts he had done in the Provinces. The foregoing Year *Arcadius* had thought fit to prohibit the collecting of what was due from Senators in the Country; or the *Glebalis Collatio*, by the *Curiales*; lest they should oppress or offer Injury to Persons of that Order, which at this time they were prone to do: And appointed the *Ap-paritors* of the Governors of the Provinces to the Employment; requiring those who were the *Defensores* of the Senate to see this done accordingly; and that if the *Curia* of the City or Town thought fit to have a *Censor* or *Peræquator* sent down, he should have nothing to do, or intermeddle in the matters belonging to the Senators. "This was put in practice by *Cæcilius*; but such was the success, that now *Eutychianus* his Successor made known unto *Arcadius*, that the *Officials*, or *Apparitors* were so improper for the Work of Collecting, that in some Provinces one half of the Tribute was behind, or never called for. This could not be endured, that so considerable a part of the Revenue should fail; and therefore *Arcadius*, by this Rescript, commands, that the Collection be restored into the hands of the *Curiales*; but that, what he had declared the Year before concerning Senators, should also be observed. "This was to prevent all Commixtion of the Concerns of Senators and *Curiales*, lest the Senatorial Dignity should grow vile and contemptible; for the *Curiales* being most commonly conceited, and ill bred, fancied themselves almost as good Men as the other, they being a sort of Senators of Cities and Corporations, and their Courts an Image or Remembrance of the Senate itself. Hereof the *Defensores Senatus* were to take care; a strange sort of Officers. Because the miserable *Plèbs*, or Common Sort, stood in need of their Defensor to protect them from the Intolerances and Injuries of the rich *Curiales*, Must the great and mighty Senate at this time stand in need of its Defensors too? But so the Case required; all sorts of People being ready to devour one another, and the *Curiales* being too bold and fancy in the Management of these Collections; which, yet it was necessary, should still continue in their hands. But, considering that this Law and the late famous one of Treason made up one Constitution, we may gather, that the Senators themselves lay under such prejudices, that they stood in need of *Defensores*: And *Arcadius* provided both for their Dignity and Security, as well such as lived in the Provinces, as in the City.

53. Toward the latter end of the Year we meet with another Edict of *Arcadius*, to this same *Præfatus Eutychianus*; which, at the first Entrance upon it, one would imagine to have been sent to mitigate the Rigour of that severe Law of Treason; but that the Conclusion, as well as the Title, under which it is set, frustrate utterly such Expectation. But, though *Eutropius* would not be so plausible to take off any Prosecution of such as might conspire against him and his Accomplishes, yet upon Complaint of how many were accused of other Crimes, and their Estates thereupon confiscated and seized by him, he might think fit to put some stop to the Clamour, by procuring a little Restraint to the extravagant Prosecutions in this kind. Former Emperors had imposed the pain of burning alive upon such Slaves as accused their Masters of any Crime, except it was Treason: He now changes it from Fire, to the Sword; but commands, that before the Production or Examination of Witnesses, at the beginning of the Accusation, they be put to death; and not only Slaves, but others he calls *Familiares*; by which are not to be supposed such as in general Terms we call Familiar Friends, as if one Master of a Family might not accuse another without this Punishment, but those of the Person's Family; as one brought up or nourished in his House, or his Clients and Dependents. "What ever

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L. 2. de Tre-  
tis Sena-  
um cod. Th. lib.  
9. tit. 3.L. 1. de Tre-  
tis Sena-  
um cod. Th. lib.  
9. tit. 3.L. 2. de Sena-  
tis Sena-  
um cod. Th. lib.  
9. tit. 3.

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ever the occasion was, the Law it self is agreeable to Modesty, good Nature and Gratitude; supposing that these cannot be broken without some horrible Malice or Unworthiness in the Party. *Arcadius* closed this Year with another reasonable and good Edict, to avoid confusion of Jurisdictions, and harassing the People by drawing them from one Tribunal to another; as also, to curb the insolence of Military Men, now grown to a very great excess. They had been formerly prohibited to intermeddle in the Decision of Civil Controversies, yet some of them had the confidence still to concern themselves in such Affairs; as we see all Courts draw what-foever Grift they can to their own Mills. But this was now made to appear a matter of so very ill consequence, That he declares to *Arcadius*, the *Præfatus Augu-stalis*; that if any shall so neglect the Order of the Judges, and without the Prince's Rescript, sue before any Military Judge, besides the Penalties formerly inflicted, he shall suffer Deportation: and moreover, his Advocate (who ought to know and inform his Client of the Jurisdiction and Nature of Courts) incur a Fine of ten pounds of Gold.

Military Jud-  
ges prohibited  
to meddle in  
Civil CausesHonorius intent  
upon the War  
with Gildo.See himself to  
provide for  
Rome, which  
suffered much  
thereby.The People  
run a madding  
after the fash-  
ions of the Bar-  
barians.Honorius  
makes a Law  
against it.

54. The mind of *Honorius* was this Year intent upon *Africk*, and the Consequences of the Revolt of that Country; and when he, or his Governor *Stilicho*, thought how to recover it, a fit Opportunity presented it self, such as was utterly beyond their expectation. *Gildo*, the great Rebel, had a Brother called by the name of *Mazefel*, or others, of like found unto it; as we have formerly seen out of *Ammianus Marcellinus*. This *Mazefel*, out of a barbarous rage and fury, he would have killed, and laid in wait such as should intrap him; which having discovered, he fled into *Italy*, to the Emperor; who he informed of the whole state of the Province: And shewing him how there could not be any difficulty in making War, offered himself to reduce or defeat his Brother if he might be furnished with a sufficient Army. There was some reason to consider whether the *Barbarian* ought to be trusted in such an Enterprize against his own Brother; but matters were brought to that pass in *Italy*, through the Revolt of *Africk*, that *Gildo* hindring all Navigation, the City of *Rome* was thereby cast into a very great Scarcity of Provisions: Whereupon the state of Affairs was reported to the Senate; which, upon the motion from the Emperor and *Stilicho*, decreed War against *Gildo*, and to be managed by *Mazefel*. This when *Gildo* heard, he was more violently enraged; and flew to that height, that he laid hold on, and murdered two of his Brother's Sons, whom he had left behind him in *Africk*. *Honorius* continued his Abode at *Milan* the former part of the Year; yet, though at that distance, knowing how the City of *Rome* laboured under this Defection, he set himself wholly, in a manner, to provide for the Supply, and other Emoluments of it; wherein its Dignity, Peace and Tranquility were concerned. Left any of those Persons who belonged to such Companies as served the City with Necessaries, should withdraw themselves from their Functions, he declared, That all that were obnoxious to the Body of the *Senarii*, either in respect of their Birth and Original, or holding of Lands belonging to the Body, should continue their Services: And, for the encouragement of all in general, renewed the Privileges formerly granted to all the *Corporati*; one whereof, at this time of want, was very leasonable, viz. Excuise or Exemption from any extraordinary Indiction, or Imposition.

55. But, to augment the mischief, there were some things practised in the City at this time which labor and undertaking Men did much dislike, and thereof made Information to the Emperor. The *Garbs*, and other Barbarous Nations having lived so long in the Empire, and many fixing in *Rome* it self, the People became enamoured of their Fashions and Apparel; thinking their own ancient Wear to be dull and unhandsome, and nothing so neat as what the Strangers used, how extravagant soever it was in it self: An humour prelaguing very ill things, nothing being more ominous than that a People shall at length truckle to those they so admire, being captivated to them in their Fancies and Imaginations before they be Captives as to their Persons and Estates. However, this humour was so prevalent in the East, that, not only the ordinary sort of People, but the greatest Ministers loved to be seen in uncouth Garbs, of which *Claudian* makes *Rufinus* highly guilty, and in which he gave so ill example to *Arcadius*, his young Master, that *Synesius*, in his discourse to him concerning Government, doth not omit to tax him, also, for this *Indecorum*. But *Honorius*, to put some stop to this ridiculous and mean spirit, "now forbade the use of those things they called *Tægæ*, *Tanche* or *Sanche* (being Buskins made of Skins) and of *Bracæ*, within the venerable City, as he terms it, under pain of Confiscation of Goods, and perpetual Banishment. "Moreover, at this time, though there was scarcity of all Provisions, yet were they at *Rome* inflamed with

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L. 2. de Jurisdi-  
ctione et vi-  
tis Sena-  
um cod. Th. lib.  
9. tit. 3.L. 2. de Sena-  
tis Sena-  
um cod. Th. lib.  
9. tit. 3.L. 2. de Sena-  
tis Sena-  
um cod. Th. lib.  
9. tit. 3.





Sec. 1. states, that the lesser burthen may be imposed upon them. Such Alienations the Emperor declares shall be void, except the Cause was first approved, and the Contract entered in the Register of the Governor of the Province. "And whereas some were so bold as to seek after, and procure the Rescript of the Emperor for their excuse of the *Prætorship*; He also declares all such Rescripts obtained to be of no Force. The times grew now to such hardship, or Men to such uneasiness in their Conditions, that none would keep their Stations; but were weary of those places and ways, wherein they were fixed by their Quality and their Originals. Whether it was, that the Gaiety which was at Rome pinched also the Inhabitants of *Campania*, or it was an Omen of that Ruin and Defolation which shortly after followed all over the West; But Towns now began to be deserted, even by Artificers; those they called *Collegiati*, who were Companies that served the Publick, and for that received Privileges; who, together with the *Curiales*, made up the whole Corporation. This drew from the Emperor an Order to *Græcos*, the *Confularis* of *Campania*; Wherein he requires, that all Judges use their endeavours to bring them back, and all they have; that their bodies may not be in one place, and their minds in another. As for their Sons, if they were born of free Women, they ought to follow the condition of their Fathers, and be liable to such Services as they were: But if they had them by *Ancille*, or Slaves, they were to follow, and be reckoned of the same fate and condition with their Mothers.

Artificers forced back to the places of their Original.

provisi sub-  
jects his own  
Domain to the  
finding of Sol-  
diers.

Senators per-  
mitted to pay  
Money in lieu  
of them.

Curiales forced  
back from the  
Camp.

60. These things tended to quiet the minds of the people; but it was another matter to reduce *Gilds*, and prevent any further Attempts he might make upon Italy or other places. For this also *Honorius* made his vigorous Preparations, that he called the *Juniores* into the Field; and commanded *Operehus*, his Comes *Rei Private*, that his own Patrimony or Domain should not herein be spared, though usually it was; but that in all Provinces it should also furnish them out, and that with all convenient speed. This, that it might better be able to perform, he commands him farther; That none of that Gold or Silver which belonged to it, shall be drawn off, and applied to other uses, as he found it had been practised, without his leave for so doing; that he may have a fuller and clearer Account of it. If the Emperor's own Lands were subjected to this burthen in this case of necessity, it was not fit that those of the Senators should escape, but be made also to set out Soldiers; the finding of which, as *Favens* observes, was sometimes put upon Patrimonies themselves, or made the burthen of the Soil; and sometimes imposed upon Tenants or present Possessors. We find that *Honorius*, by some Edict, required this Duty now from the Estates of Senators; and that hereupon the Senate dispatched away their *Legati*, or Messengers, to him, to pray that they might be discharged of the trouble, and pay Money in lieu of the Men. And they returned with their business done, as *Symmachus*, in his Epistle, tells the Sons of *Nicomachus*; for, both the Indiction of the *Tirones* ceased, and they were permitted to pay Silver in the Room of them. But, concerning these matters, faith he, we hope we shall receive an Oration or Writing from the Emperor. No such Oration we find, but an Edict directed to *Theodorus*, the *Præfectus Prætorio*; wherein he tells him, That he had granted the Petition of the most ample Order; that Money might be paid instead of Soldiers; and they might have their choice whether they would furnish out Men fit for Service, or for every one, pay in Money twenty five *Solidi*, besides for their finding with Meat and Cloaths. But if they had rather pay Gold, they should find it presently into the Exchequer. By this we find that *Tirones*, or new Soldiers were now at a lesser Rate than formerly, viz. twenty five *Solidi*, or five pounds of Silver; but that was because Slaves were admitted into the Service. But this Favour granted to the Senate, *Honorius* thought fit to signify, also, to *Minervius* at the latter end of the Year, his Comes *Rei Private*; to whom he gives order, that his own Possessions, held in perpetual Right, shall contribute toward the finding of Soldiers in the same manner.

61. This disadvantage in the Civil State, still followed Military Preparations; that when an Army was to be raised, the *Curiales*, and Countrymen, and other Officers, that were weary of their Employments, would forsake their Stations, and take shelter in a Profession of Arms. To avoid this Extreme on the other hand, the Emperor gave directions to *Comitinus*, the *Præfect* of the City, that even such Soldiers as had obtained to be *Comites* of the first Rank should be forced back to their Corporations, if they had obtained the Dignity by Codicils, or for Reward, and had not passed through the several Employments of the Camp; but if they had been in long service, he permits them to be free, or in case they had ob-

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L. 1. de Senat-  
ibus, Cod. Th.  
L. 3. 1. de Præto-  
ribus, Cod. Th.

L. 1. de Collegi-  
is, Cod. Th. lib.  
14. tit. 7. de Jul.  
Cal. fen. dicit  
a Col. Jul.

L. 1. 2. de Tironi-  
bus, Cod. Th. lib.  
14. tit. 7. de Jul.  
Cal. fen. dicit  
a Col. Jul.

L. 1. 1. de Tironi-  
bus, Cod. Th. lib.  
14. tit. 7. de Jul.  
Cal. fen. dicit  
a Col. Jul.

L. 1. 1. de Tironi-  
bus, Cod. Th. lib.  
14. tit. 7. de Jul.  
Cal. fen. dicit  
a Col. Jul.

L. 1. 1. de Tironi-  
bus, Cod. Th. lib.  
14. tit. 7. de Jul.  
Cal. fen. dicit  
a Col. Jul.

L. 1. 1. de Tironi-  
bus, Cod. Th. lib.  
14. tit. 7. de Jul.  
Cal. fen. dicit  
a Col. Jul.

L. 1. 1. de Tironi-  
bus, Cod. Th. lib.  
14. tit. 7. de Jul.  
Cal. fen. dicit  
a Col. Jul.

Sec. 1. tain'd both the first and second degrees of *Comites*. The same thing he enjoys concerning the *Apparitors* of Judges, even of the *Præfect*, whether they had betaken themselves to the *Militia Palatina*, or *Militaris*, as he distinguishes; commanding that they be sent back again to the meanest Employments wherein they had served; and that if they escaped, their Sons should be forced to the several Charges of their Fathers. As for *Curiales*, though formerly he had granted them leave to enjoy the honours of *Esopretors*, or *Domesticks*, provided their Duties in the Corporation were supplied; now considering it better, as he faith, He declares all such Titular Names null, and void; so that they shall neither be excused from fordid Services, nor from the *Plumbator*, if occasion require it. And what he faith here concerning such Honours obtained by them, he extends it to all members of Companies, and *Centuriones*. Moreover, as the *Apparitors*, so all *Curiales* he will have recalled from both the *Militia Palatina* and *Ar-*

And deprived  
of certain Ho-  
nours.

Except such as  
had discharged  
ed all Duties.

Stilicho and  
Eutropius their  
enmity, and  
yet agreement  
in spoiling the  
Provinces evi-  
dently ap-  
pears.

Gainsavac en-  
raged, pro-  
cures Tribigild  
to revolt and  
waste Asia.

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L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

62. But, as for those who from *Curiales* had arrived at the Senatorian Dignity, if they had discharged and run through all their Charges in the *Curia*, he permits them to enjoy their Honour and their ease; but such Sons as they had before they came to be Senators, he will not have excused from being obnoxious to the original and first conditions of their Fathers; except their Fathers were illustrious persons, then he declares them exempt; if, as he expresseth himself, by a degenerate laziness and drowsiness they do not shake off their Fathers' virtue. So far are such from being noble, though puffed up with a conceit of their Nobility. But as for them that were Senators, and had not yet run through all the Charges of the *Curia*, he gives them leave to perform, what was behind, by their Duties. Such was the Distemper of this time, as we may see by the Remedies, and very Complicate, wherein a Medicine that seemed to cure one Symptom, would exasperate another. But so *Honorius*, or they about him, dealt with as wary an Hand as he could; and foreseeing now how the Military Officers might take too much upon them, and determine matters that belonged not to their Cognizance; when they were puffed up with a fancy of what need there was of them, he commands in an Edict directed to *Vincencius*, *Præfect* of *Gall*, that in a criminal cause, the accuser follow the Court of the accused Party; that none go out of his own Court without leave from the Prince, under pain of the Plaintiff losing his cause, and the Defendant being condemned, whether it was in a Civil or Criminal Matter: under the same penalty he enjoins that none commit execution to Military Men; and inflicts death on such Tribunes and Vicars as shall execute any thing in a Military or prohibited way. After this manner was this Year passed over.

63. The next following, or the CCCXCVIII of our Lord, had for *Con-* fuls *Honorius Augustus*, the fourth time, and *Eutychianus Theodorus* was *Præfectus Prætorio* of Italy; *Vincencius* still of *Gall*; *Eutychianus* of the East, and *Antonius* of *Ilyricum*. *Arcadius* was this Year, or for the most part, resident at *Constantinople*; and *Honorius* at *Milan*, where he took the Ensigns of the Consulship. By this time the great enmity betwixt *Stilicho* and *Eutropius* was broken forth into publick and notorious Acts, and in the mouth of every man; yet, though they burned with implacable malice against each other, did both of them with all licentiousness, insult over the miseries of such as were subject to their power: *Stilicho* having fixed himself, as he concluded, by marrying his Daughter *Mary* to *Honorius*; and *Eutropius* leading and governing *Arcadius* no otherwise than like some filthy Sheep. To be sure, if there were any noble or pleasant Seat in any Country, it was made over, to one of them two; or if any Gold or Silver, it flew from the right owners into their Coffers, there being a great number of Informers employed, who had in charge to calumniate ever, such kind of Men. Affairs both in East and West standing in this posture, all Persons of Senatorian Rank bore it most heavily; especially *Gaines*, who was impatient that he had obtain'd no Honour befitting a Captain that was now in age; that he could not satisfy the Man's mind with anything he yet could present him; he was enraged to find that all Money ran in a stream to the House of *Eutropius*; he communicated his thoughts to *Tribigild*, a man very stout, and prompt for any bold undertaking; who, by the Emperor's order, commanded some Troops of Horse of the Barbarians, that quartered in *Phrygia*. Being agreed of their proceeding, he pretended he would go into *Phrygia* to visit, and make inspection into the condition of his Men, and so parted from *Constantinople*; and leading the Troops he commanded, laid waste all the Country where he came, killing the Men, Women and Children, and plundering all

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L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.

L. 1. 1. de Senat-  
ibus, Cod. Th.  
L. 1. 1. de Præto-  
ribus, Cod. Th.



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farther now so sensible of the Incroachments made by the Soldiers upon Grounds and Pastures with which they had nothing to do; that to restrain the liberty they took to themselves herein, he wrote, also, to *Simplicius*, a *Comes utriusque Militie* in the East; commanding him, That he should take care that none of them should feed their Horses in the public Meadows, and pleasant Pastures; which long Custom, and the Delicousness of the Grounds, had hitherto fenced from such Violations; neither in the Fields which belonged to private Citizens of *Antioch*, upon pain of a Forfeiture of twelve pounds of Gold, to be paid by such Violators and the Officials of the *Magister Militum*, provided that the *Curiales* took care to furnish the Army with convenient Pasturage.

And eating up  
of MeadowsAs also super-  
erazation of  
Provisions.Gives leave  
that new Wine  
be given to  
the Soldiers in  
Winter.Labours to  
prevent a Con-  
spiracy be-  
twixt the *A*  
*Attuari* and  
*Numerarii*.Commands  
the *Fabrilis*  
to be branded  
in the Arm,  
to prevent  
their running  
from their  
Employments.

## A.D.

398.

L. 4. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.  
C. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.  
C. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.L. 4. de In-  
terdictione  
Militum, lib. 1.  
C. 1. de L. 2.  
C. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.L. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.  
C. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.  
C. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.L. 1. de Semi-  
nariis, lib. 1.  
C. 1. de L. 2.  
C. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.L. 4. de Fabri-  
lis, lib. 1.  
C. 1. de L. 2.  
C. 1. de Pœ-  
culis, lib. 1.  
C. 1. de L. 2.

69. In the time of War when Provisions were to be raised for the Army, great complaint was made against the *Attuari* and the *Options*, whereof the former were the Clerks of the Troops that took the accounts, and the other received the Provisions from the *Succentores*. To prevent their frauds, *Arcadius* now gave order to the *Præfectus Prætorio*, that before the beginning of an Indiction Breives should be sent from the *Magistri Militum*, in which was to be expressed how much the Army stood in need of in general, and the several *Numeri* in particular. Then, when the Tax was laid, should other Breives thereof be dispatched to the *Stratæ* of the Prince, that by comparing them together, any cheat of these Officers might be discovered, which was to be punished with payment of "the double of what they supereracted from the Provincials." Amongst other forms of Provisions we see that Wine was wont to be furnished for the use of the Army, and the old was doubtless most desired by them. But the Corporation of *Epifane* a Town in *Syria*, not far distant from *Apamea*, petitioned the Emperor, for what reason was not expressed, that in the Month of *November* the Soldier might "be served with new Wine; which petition he granted, and gave order to *Entyrianus*, that he should cause this Rule to be observed in his District." By new Wine is usually meant that of the present year, or last Vintage; and by old, that of the year foregoing; but yet both old and new are to be understood according to the nature of the Wine, and the Custom of the place. For some requires a longer time to ferment and ripen, as the *Palernum* was not fit to be drunk till the tenth, and the *Surrentinum* before the twenty fifth year. Others work speedily, and are quickly ready; as this seems to have been about *Epifane*.

70. But at *Constantinople* all were in an hurry and tumult, because of the motions and attempts of *Trigild*, and all persons desired to flock thither, where each one could meet with those of his own party, and most news was to be heard. The *Attuari* or Clerks of the Army were observed to loiter there especially, and it was discovered that there was more than ordinary kindness and familiarity betwixt them and the *Numerarii* belonging to the *Præfect* of the City. The importance of this understanding betwixt them was too considerable; for the *Numerarii* dealing in Accounts, and making those Breives which concerned the use of the Army, and the work of the *Attuari* being such, as we lately said, they had opportunity by laying their Heads together to raise more than was needful for the service of the Soldiers, and put the advantage into their own Purse. For this reason it was, that now *Arcadius* being at *Nice*, gave in charge to *Severus* the *Præfect* of the City to "see, that no Communication or Society (which tended to the destruction of all) should be betwixt these Men. And that the *Attuari* within fifty days (a sufficient time to dispatch the business they came about) should depart this City, or if they were there found after the expiring of this term, they should incur a forfeiture of five and twenty pounds of Gold. But such a restless humour, or a desire of lawless liberty, had now possessed the minds of all sorts of Men, that the *Fabrilenses* also, or those that wrought in the publick Forges made bold to change the Air and their Employments, which caused the Emperor, at the suggestion of *Hofius*, we may believe, the *Magister Officiorum*, to whom the Constitution is directed, to give command, that as *Virones* or new raised Soldiers were marked in the hand that they might be known, as also were the *Aquarii*, or such as belonged to the *Aquæducti*; so such as served in the Forges should be branded in the Arm, not as a sign of crime or servitude, but that they might also upon occasion be discovered when they ran away from their work. And such as should harbour the Fugitives he will have condemned to the service; as to be sure "the children of the *Fabrilenses* themselves, who were *Conditionales*, or subject to the Condition, State and Service of their Fathers." Thus *Arcadius* employed all the Civil Power he had for carrying on the War, while in the mean time he was galled by all about him, and each strove how he might make his Markets out of that publick calamity which impended.

71. Now.

## Sect. 1.

71. Now, Spring drawing on apace, great expectation there was how *Majestil* behaved himself in *Africa*, and how matters would go betwixt the two Brothers; and they received an account of the dispatching of the War sooner by far than was expected. *Orosius* tells us, that *Majestil*, knowing, by the example of *Theodosius*, how powerful Prayer made in the Name of Christ, though in most desperate Affairs, is wont to be; went to the Island *Capraria*, at this time famous for the Monks that inhabited it; some of whom he prevailed with to go along with him: And continuing day and night with them in Exercises of Prayer, Fasting and Singing, obtained a Victory without War, and satisfaction for the injury offered him, without Slaughter. By a River called *Ardalis*, running betwixt the two Cities, *Thebais* and *Metriacea*, he pitched his Camp; wherein, it's said, he had not above five thousand Men. The Enemy was no less than seventy thousand strong: And there were some Straits of a Valley which *Majestil* thought he needs must pass: which, when he considered of, our Writer tells you, that *St. Ambrose*, the Bishop of *Milan*, lately deceased, appeared to him in a dream; and making a sign with his hand, struck his staff to the ground three times, and said *Hic, Hic, Hic*: By which he prudently conjectured the Victory was foretold; by the word, the place to be signified; and by the day, the number.

Gildo de-  
ceas-  
ed, and put  
to death, as  
Orosius hath writ-  
ten.

72. Accordingly, he stayed that time; and on the third day, having spent the preceding night in prayer, and other Christian Duties, he led out his Men against the stragling and disorderly Enemy. To those he first met he spake kindly, and persuaded them by fair means: but one that carried an Ensign opposed him, and exhorted his Friends to begin the Battle. He perceiving this, gave him a stroke up on the Arm with his Sword; and the Wound he weakened the part, that the Man was forced to let fall his Colours. Those Troops that were behind, seeing this, took it no otherwise than as a token of Submission; and imagining that those before them had yielded, struck their Standards also, and came in to *Majestil*. Hereat the *Barbarians*, of whom *Gildo* had brought a great multitude into the Field, being discouraged, and having none to lead them, fled several ways. *Gildo* got to the Sea, took Ship, and set Sail; but was recalled into *Africa*, and there perished by strangling, after a few days. We should, *Orosius* adds, be in danger of being thought to lye impudently, if we should make relation of so great miracles, if there were not Witnesses sufficient, who beheld them with their own eyes. There was no Treachery or Ambush; but yet, seventy thousand Men were overcome, in a manner, without fighting: He that was overcome fled for some time, that he who had the better, might not find whereon to vent his present Anger. He is transported into another place, that he might not know his Brother was slain; by whose death he received satisfaction. *Majestil* himself, being puffed up with his success, and forsaking now the company of Holy Men; with whom formerly assisted in his Fight, he had overcome; adventured, even, to violate, and put out of the Church home that there had taken Sanctuary. But Punishment overtook the Sacrilegious Person: for he alone, after some time, was punished, they being still alive, looking on and insulting, whom he had drawn out to Execution; and in himself alone he experienced, that Divine Justice watcheth still on both sides: He being assisted when there he had his trust; and at length slain, when he came to despise what before he had trusted.

73. The end of *Gildo* was brought about just after, or much according to this manner; so soon, and with so little ado, as filled all Men with admiration, as we may perceive by *Claudian*, in his Poem concerning this War; who falls into a kind of extasie in his thoughts concerning it. Had the second Book of this Poem been preserved, we had had much more light concerning the management of the Affairs: for, though his expressions be Poetical, and many Fictions he hath, and figurative speeches; yet not so as, ordinarily, to trench upon the very substance of the Actions which he introduceth whole, though clothed in his witty dresses. From him we learn, that this War began in Autumn, or toward the beginning of Winter; and in Spring, was finished. How, in all this time, *Rome* was miserable, oppressed for want of Provisions; which, by his Poetical power, transforming into a Woman, as is usual with Men of his Art, and their Brethren, the Painters. He carries her up to *Supiter*, and there makes her tell a very sad tale of her Calamities. And to History is very agreeable her very Cafe, as the states it, that she had, since the time of *Cæsar*, been, for her merits, rewarded with both *Egypt* and *Libya*; that, by her Summer Fleets, both her Warlike Senate, and her Ruling People might be nourished; a Course wherein she could not but be securely provided for, the one constantly supplying the accidental defects of the other. But after

What is to be  
learned of this  
War from  
*Claudian* his  
Poem concern-  
ing it.A.D.  
398.  
Lib. 7. c. 33.Sicem vultus  
indixit biens,  
non parvum  
sunt.







## SECT. I.

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by which we may understand, that he was made *Præſectus Prætorio of Illyricum*. Now would not the Court any longer permit that he might give forth Edicts to themſelves; but reſolved to make him her own, that he might give forth Edicts to Nations, and to Petitioners, Anſwers. He tells him, the Oracles of the Emperor increaſed by his Eloquence; neither did ever *Roman* Maſtety ſpeak more gracefully, than by his mouth.

82. Hereby muſt be meant, that he was *Queſtor*; whoſe work it was to compoſe Edicts and Anſwers, and to be the mouth of the Emperor to the people. But from this Employment, he was raiſed to be *Comes Sacrarum Largitionum*, as appears from what he ſings concerning Sacred Riches, Tributes and Gold, both of Mines and Rivers, being committed to his charge. And now, as a Mariner who had been uſed to the Oar, when having obtained ſufficient ſkill, is removed to be Pilot to command the whole Veſſel, and give directions to all that are in it: So was he removed, to govern both the *Spaniſh* and *German* Ocean; and *Brittain* alſo, ſeparated from the reſt of the World; being obeyed by flow *Arar*, fierce *Rhodanus*, and rich *Iberus*: So that he obtained the Dignity of *Præſectus Prætorio of Gall*. Having run through all theſe Honours and Employments in one Age, in a ſwift courſe, and while as yet but a young Man; being arrived at the pitch of Glory, he now deſired eaſe and the ſhade: where he gave himſelf wholly to the ſtudy of all the parts of Philoſophy; which the Poet runs through in a learned, though Poetical ſtile. He tells him, that with *Roman* flowers he irradiated the obſcure Acts of the *Greeks*; and the having tranſlated, as he hints, the Dialogues of the School of *Socrates*, and the Works of other great Philoſophers. Now he thought himſelf fully at eaſe; having taken up his Station, and caſt Anchor, and fully pleaſed himſelf therein; and Books followed Books, which would live for Ages after his Deceafe: When Juſtice out of Heaven beſeld him loitering, and her Laws greatly wanting ſuch a Judge; which ſight not enduring, the ſorloot her place amongst the Stars, and came down to *Liguria*, where entering his Houſe, the found him drawing the lines of a Celeftial Sphere in duſt, as the Ancients were wont to practice their Mathematicks. With many good words and commendations the ſet upon him to perſwade him, that the Glory of his time already paſſed, might not ſuffice; for as much as no time ought to preſcribe how much, or how long, Mankind was to be taken care of; and Prudence is not contained in any bounds. She demands, if he think it more worth his while to dwell upon abſtrufe Notions? Whether the Precepts of his *Plato* more profited *Athenſ*? or the Actions of him who deſtroyed the Eaſtern Fleets, carried the City in Boats, and delivered it from being burnt by the *Medæ*? meaning *Themiockles*. She ſhewed how much *Lycurgus* profited *Sparta* by his ſevere Ordinances; whereas the Doctrines of *Pythagoras*, and his Years of Silence, could give no relief to *Tarentum*.

83. Telling him, that now Clemency and Piety, Peace and Fidelity, were with her ſelf reſolved to come and live in the Cities, ſhe deſires him to return with them; which he, not able to deny (as to Juſtice it was not juſt) though ſufficiently ſenſible of the Ruſt which through diſuſe he had contracted, the delivers into his hands four Reins of Government. Of theſe, one belonged to *Padus* and *Tyber* of *Italy*, gloriſting with her thick ſet Towns; the other curbed the *Lithians* and *Carthaginians*; the third extended to the *Illyrick* World; and the laſt reſtrained *Sardinia*, *Coron* (or *Corſica*) and three ſquare *Sicania* (or *Sicily*) with the Coaſts of the *Tyrrhenian* and *Ionian* Seas. This ſhews that he was *Præſectus Prætorio of Italy*, to which *Africa* and the Iſlands were joyned; and of the Weſtern *Illyricum*. After this, the Poet falls into a great Commendation of him, for the goodneſs and juſtice of his Government; wherein he paints out the perfect Portraiture of a juſt Judge in all his Lineaments, and admires him for his Eloquence, and his Books written concerning *The Original of the World*, and the *Parts or Faculties of the Soul*; which, to our great loſs, have miſcarried; and wherein, he ſaith, he expreſſed his own manners and diſpoſition. After all this, he ſubjoyns, that the Emperor deferred not that Reward which was due to his Merits, and wherewith learned and good Men were wont to be adorned; but gave him that Habit which joyned the Court of Juſtice and the Palace, the Prince and his Nobles together, and made him his Succeſſor in the Conſulſhip; which he had now born the fourth time. At this Solemnity (as there was wont to be exhibited a Shew of the *Circenſian* Games) *Murina*, by whole Inſtructions he had made his Spheres, ſummoned in all the other Muſes to give their Aſſiſtance, in procuring what was wont to be ſeen in theſe *ſpectacula*, after that, firſt, *Helicon*, and the other Rivers, had ſignified their joy; he, by pouring out a larger Stream, and they, by ſending forth plenty of Flowers. It's convenient

—Hips  
as this Gima-  
nagat ſitly.  
Parasidæ  
dididit Britan-  
nia mundo.  
Diorique ſuas  
colunt gae-  
gitæ vocis  
ſectus Arar,  
Rhodanus ſe-  
rox, & divus  
Iberus, a. v. 399.

His Studies  
and Reſer-  
vament.

His returning  
again to the  
Pleasement  
of State af-  
fairs.

His Juſtice and  
Learning.

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In the Shews  
he exhibited  
were no Gladi-  
ators.

to take notice that he mentions in thoſe Shows, the running of Horſes, Wreſtings, Stage-plays, Combatings with wild Beaſts, Mimicks, and all ſorts of Muſick and Voices; amongst which, Organs moved by Water, Dancing upon Ropes, flying in the Air, and other Feats of Activity, Sights of Fire, and of Boats ſwimming on the Theatre. *Barthius*, one of thoſe Learned Men, who, by their Notes and Commentaries have explained this Poet, obſerves, that amongst theſe, he makes no mention of the *Gladiators*, becauſe *Conſtantine*, he ſaith, had formerly taken them away. But he was miſtaken, *Conſtantine* indeed prohibited them in the Eaſt; but at *Rome* they were ſtill in faſhion, and not prohibited fully, till five years after by *Honorius*. Indeed all good Men were troubled they ſhould be continued: and the Chriſtian Biſhops made often great complaints of it; and this *Theodorus* being a conſcientious Chriſtian, the reaſon is rather thence to be fetched, why at his Shows they were not exhibited. His Virtues and Learning were ſo great as to move *Claudian*, though a Pagan, to write ſuch a Panegyrick, as in the opinion of the ſaid *Barthius*, is a moſt Learned, moſt Eloquent, and *ſanctum non*, a Divine Book; pointing to a great part of the Myſteries of humane Wiſdom, which, if one would interpret, as it deſerves, it were neceſſary to ſearch into all the Archives and Treasures both of *Greece* and *Latium*. Indeed, it deſerves the peruſal of all that are concerned in ſuch matters; and ſome reſpect to it, as well as to the Man, hath made us more tedious, than we intend to be hereafter upon any ſuch Concerns.

84. But the Poet in his Exultation upon the promotion of *Theodorus*, applauds the Fate of Virtue, Wit, Induſtry and Deſert, that anſwerable Returns were made unto them; that the *Curule* Chair was not violated; that no ſilly Names polluted the *Faſti*; that this Honour was granted to valiant Men, being ſuch as belonged to the Fathers alone, and would never bring any ſhame to *Rome*; whereby he ſeems to tax what was done this year by *Arcadius* in the Eaſt, and thoſe about him. For he that was deſigned there Conſul for this year was verily no other than *Eutropius* the Eunuch, who was far from pleading merit; was neither valiant, nor could be a Father, and therefore by him the *Curule* Chair was violated, the Regiſters polluted, and ſhame redounded, if not to *Rome*, to *Conſtantinople*; as the ſame Poet with elegance ſufficient, ſets it forth in other Poems, he wrote againſt this vile Man. He obtained the Honour of *Conſul*, and further than that, of *Patriarch*, or the Father of the Prince, which was no wonder, conſidering the power he was arrived at; it had been a greater wonder, had he continued in ſo extravagant a power. As his Ambition raiſed him, ſo it pulled him down, and gave him not much time to enjoy his Conſulſhip, but brought on ſpeedily his Deſtruction; of which, becauſe *Gaius* was the Procurer, we ſhall begin with the matters of that Traitor, where we left them, and ſhew out of *Zoſimus* how one Vermin, as frequently it happens, devoureth another.

85. *Gaius* wonderfully cried up the Achievements of *Tribigild* to the Emperor, and affrighted forely the Senate and all the Courtiers, affirming he would march to the *Helleſpont*, and put in danger the preſent poſture of Affairs, if the Prince would not have a reſpect to his Propoſals. This he did cunningly, that *Arcadius* might not diſcover his intentions, and that by ſuch things as ſhould be granted to *Tribigild*, he might have greater advantage to put them in execution. For it did not ſo much grieve him, that he himſelf was, as he thought, deſpised; as it enraged him to ſee *Eutropius* now preferred to the higheſt pitch of Dignity and Power, having obtained to be *Conſul*, and to be honoured with the Title of *Patriarch*.

Theſe were the true motives to *Gaius* to attempt an alteration, and being now prepared for it, he reſolved in the firſt place to compaſs the death of *Eutropius*. While he yet lay in *Phrygia*, he ſent to the Emperor, to let him know, that by reaſon of the great Conduct and Experience of *Tribigild*, he was utterly at a loſs; that there was no withſtanding of him; but that *Aſia* muſt neceſſarily be loſt, except he would condeſcend to what he deſired, whereof this was the main, that *Eutropius*, as the grand Author of all miſchiefs, might be given up into his hands, to do with him as he ſhould think convenient. Hereupon *Arcadius* ſent for *Eutropius*, and abrogated his Power and Dignity, wherupon he ſpeedily beſeeched himſelf to a Church of the Chriſtians, which from him had received the privilege of an *Aſylum*. But *Gaius* being very urgent, and ſaying, that *Tribigild* would not remit any thing of his Indignation, except *Eutropius* was made away, contrary to the Law which gives to Churches the Right of Sanctuary, they took him thence by force, and baniſhed him out to *Cyprus*, where he was kept by a ſtrict Guard. But ſtill *Gaius* being importunate and urging the Emperor to put him to death, at length, they that were next about him, eluding by a quirk that Oath they had

ſcripti vincti  
tus ſacraſſidat  
ſortis dies  
ſaguntis patuli  
campus citra-  
qui memiſi  
ſui ſever.  
Non hic viciſſat  
Carſili.  
Turpia ſon E-  
tus locustas  
ſanctus ſepeli,  
Fortibus ſue  
conſilia vixit,  
ſilijque gerenda  
ſervitus, &  
ſicque nungunt  
ſuava potendi  
v. 399. ad  
v. 379.

Gaius there-  
at enraged, re-  
ſolves to com-  
paſs his Death,  
and ſends to  
*Arcadius* to  
let him know  
that *Tribigild*  
could not be  
maſſed, if he  
was not given  
up into his  
hands.

ſervituti ſe  
endore ſibi  
ordino.  
ſervituti male  
ſagiti, ſue ſe  
ſervituti ſe  
ſervituti ſe  
ſervituti ſe

Señ. 1.  
He is put to  
death, and  
how, accord-  
ing to *Zephaniah*.

given him, when they took him out of the Church, sent for him back from *Cyprus*; and as if they had only sworn, that they would not kill him while he remained at *Constantinople*, removed him to *Chalcidion*, and there caused him to be slain. Thus was *Entropius*, after an unwonted manner, treated by fortune in both sorts. For the promoted him to an higher pitch than ever any Eunuch had attain'd; and then brought about his Destruction, for the hatred which those that were Enemies to the Commonwealth did they bore unto him. Thus *Zephaniah*.

A. D.  
399.

How far his  
Relation is  
true.

86. The substance of this Story is true, but according to his manner, he fails in considerable Circumstances. After his being deposed from his Dignities, he did indeed betake himself to a Church, as to a Sanctuary; but the Church had no such Right or Privilege of an *Asylum* from him, who was so far from procuring this privilege to Churches, that the year before, he procured *Arcadius* to make a Law against it. The Church to which he fled, was that of *John Chrysostom*, now Bishop of that See, who protected the miserable Man as he lay embracing the Altar; and would not suffer him to be taken thence, till he had obtain'd an Oath from the Emperour, that he should not be given up into the hands of *Gaius* to be put to death. Both Emperour, Soldiers and People sufficiently now convinced of his extravagant courses, were glad to be rid of him; but when *Arcadius* heard he had taken Sanctuary in the Church, he restrained himself and the Soldiers too, from meddling with him. But the People, to which the Church was open, being more heady and unruly, and moved with an hatred to his person, was not so to be governed, but their golden-mouthed Bishop was forced to mount the Pulpit, and charm them with his powerful Rhetoric. Some have charged him with impudence and unmanlyness in insulting over a Man in misery; but the Oration he made is still extant, and so may speak for him and it self.

L. 2. de his qui  
ad Ecclesias  
conjugiunt, c. 2.  
Zeph. g. 11. 12.

John Chrysostom  
him the Bi-  
shop his Oration.

87. It begins indeed with an high upbraiding of him for his former course of life. If ever before, now may we say, *Vanity of vanities, all is vanity*. What's now become of the great pomp and splendour of the Consulship? Where are now the illustrious *Festivals*? where are the Applauses, Banquetings and Merriments? The noise of the City? Those high Acclamations and Flatteries of the Spectators of the *Circensian Games*? Those Garlands and Muffet? All these are past and gone. A violent Tempest hath blown down the leaves, spoiled the Tree, so as it dangerously totters; and so great a storm continues still upon it, that having weakened sorely its roots, it threatens to lay it along on the ground. Going on in this manner, he thence demonstrates to his Auditors, that they should all, in all places, upon all occasions, and at all times sing this Song unto another, *Vanity of vanities*: that they should write it on their Walls, in their Cloaths, in their *Forams*, in their Houses, in the Ways, in their Windows and Doors, and especially in their Consciences. He then demands of *Entropius*, whether he did not tell him, that Power and Wealth were uncertain things: but he would not hear nor believe him; as neither when he told him, that he was a better Friend to him than all his Flatterers; that the wounds of a Friend were rather to be endured than the kisses of an Enemy: this he would not endure then to hear, but feverently checked him for his faithful admonition. Formerly he ranted against Churches, and was all for the Theatres. Now the Theatres upon which he had spent his Treasure, were earnest to cut his Throat: and the Church and Church-men, whom he despised, were become his Safeguard and Protection. He adds, that this he did, not to insult over a prostrate and miserable man, but for the Instruction and security of others; not to make his wound bleed afresh, but to keep others invulnerable and in good health, by putting them in mind of the mutability of humane Affairs; which cannot be compared with any thing that can sufficiently express their inconstancy: nor Smoke, nor Hay, nor Dreams, nor the fine flourishing Flowers of the Spring. This sufficiently appears, faith he, in this Man; for who than him was more eminently dignified? Did not all Men fear and reverence him? but now he is become more wretched than those in the Goal, more miserable than Slaves, and more necessitous than Beggars that starve for hunger; having ever before his eyes, Swords ready brandished against him, seeing nothing but Precipices and Executioners; and intemperately on the way that leads to deserved punishment, having no Friend that will own him in his extreme distress. What need words when your eyes convince you: for the Emperour having sent his Officers to bring him by force out of Sanctuary, what thing can be more pale than he? a dead Man hath as much colour in his Cheeks, his Teeth chatter in his Head; a trembling hath invaded his whole Body; his voice is interrupted with sobbing, and he stammers in his speech. In sum, he is in such a plight and condition, as when the Soul is altogether overcome with fear.

28. This

Señ. 1.  
He is put to  
death, and  
how, accord-  
ing to *Zephaniah*.

88. This I say again, I speak, not to upbraid him in his misfortune, or to insult upon him in his misery; but that I may soften your minds into Compassion, to stir you up to Commiseration, and to persuade you to be satisfied with his present Punishment: Because, amongst our people, there are many so inhumane, as to traduce us for receiving him; desiring to foment the hardships of their hearts, I make such a representation of his miseries. And, I beseech you, what is that that so sticks with you, that cannot be passed over? You will say, that he is now fled to a Church, who, without intermission, was an Enemy to Churches. The more God is to be praised, who hath suffered him to be reduced to such necessity, that he might perceive both the Power and the Clemency of the Church: its Power, in that such an alteration is brought about in that Enmity that he exercised against it; and its Clemency, in that it covers and protects its Enemy, as with a Shield stretched over him; defends him with its Wings, and forgetting former injuries, opens its bosom to receive him. This is more glorious than any Trophy, more famous than Victory, this flames both *Pagans* and *Jews*. To oppose it self against the anger of the Emperour, and the intolerable rage, fury and hatred of the People, is the Ornament of the Altar. You will say, an Ornament indeed to the Altar, to be embraced by a notoriously wicked, covetous and rapacious Man. But, take heed what you say; for an Harlot touched the feet of Christ, an incestuous and impure Woman; and yet this was no fault of his, but redounded to His great praise, and the admiration of him: His Purity was not concerned for her Impurity; but He purified her thereby. Neither must you talk of injuries; we are the Servants of Him that was crucified for us: who said, *Forgive them, for they know not what they do*. Indeed, as you may object, by written Laws he took away Refuge and Sanctuary from this place: But now he hath learnt by experience, what it was he did. And by his own deed, hath first abrogated his Law, being become the Spectacle of the whole World: and though he be silent, yet he sufficiently instructs all others; and bids them beware by his Example. In this respect the Altar is become more illustrious, and obtains greater Veneration, in that it holds a chained Lyon: As the Emperour seems not so glorious when he sits upon his Throne, clad in Purple, and adorned with his Diadem; as when *Barbarians* lie at his feet, and with their hands bound behind them.

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399.

89. That I came not prepared to speak these things, you, by your haste and concourse, sufficiently witness. This indeed, you esteem a brave fight, and you account it a merry meeting; neither do I perceive the Assembly to be less than it was in the late Feast of *Easter*. You are so excited by the silence of this Man; which, at present, is more thrill than any Trumpet. Virgins have left their Closets; Women their Work-houses; and there are no Men to be found in the *Foram*. You all come to behold, represented, the defects of Humane Nature, the momentary mutability of Worldly Affairs discovered, and the Lusture of States-men transformed; which yesterday, and the day before, were very glorious. Such Prosperity as ariseth from the Ruin and Oppression of other Men, is now demonstrated to be more deformed, than the Wrinkles of an old Woman; an alteration of Affairs, like some Sponge, wiping away that Paint wherewith it was covered. Let such as are rich come to this Show, and from it they shall receive great profit; seeing him, who lately made all the World shake with one nod, fallen from so high a pitch of greatness; shrank so much with fear; more fearful now than any Frog or Hare; sticking to a Pillar without binding; and instead of a Chain, tyed by apprehension of danger, grieving and trembling; they will put down their lustiness, and considering what ought to be considered in Humane Life, depart instructed in this point, according to what the Scriptures teach us; that *All Flesh is Grass*, and *all the Glory of Man as the Flower of Hay*. The Hay is withered, and the Flower hath faded. On the other side, if a poor Man come to be a Spectator, he will not be displeased with himself, nor deplore his own condition; but thank his Poverty, which is to him in stead of a Sanctuary, of a most calm and quiet Haven, and as a most fortified Castle: and all laid together, if he might have his wish, he will chuse rather to be content with his present condition, than, having, for a while, enjoyed the Estates of all other Men, presently fall into danger of his own life.

90. Have I, then mollified your minds? Have I appeased your anger, and extinguished your Inhumanity? Have I wrought in you any Compassion? I believe I have; as I gather from your Countenances and Tears. Seeing, then, the Soul of your hearts is turned into fat and fertile ground, proceed to bring forth fruit.











Sec. 1. rannical Demand *Arcadius* assented, and they were accordingly delivered up into his Hands, whom, having received, he caused the Sword only to touch their Skins, and fastidied himself with driving them into Banishment. And he passed over into *Europe*, and commanding *Tribigild* to follow him, left *Asia*, to take a little Breath. He himself making his Abode at *Constantinople*, dispersed thence the Soldiers that formerly lay in Garrison; so that he left the City naked, even of the Palatine Guards. His Followers, the *Barbarians*, he had ordered, that when they saw the City clear of them, they should upon a signal given, seize upon it, and deliver all in it into his power; whereupon he left the Town, pretending he was unwell, and that he must betake himself into a place and condition free from care and trouble, and leaving there his Soldiers, he removed about forty Furlongs from the City, whence he expected to hear of some Commotions very shortly, that he might invade it. Neither had his Design failed him, but that driven headlong by a barbarous fury, he anticipated his time. Without any signal given, he brought his Men to the Walls, at the sight whereof the Watch being affrighted, gave notice to the Inhabitants, and such Lamentations and Tumults followed as are wont to be in stormed Towns, till they united themselves, and jointly set upon the *Barbarians* that were in the City; whom having dispatched with Swords and Stones, and any thing else that came to hands, they retired to the Walls, and thence with such missile Weapons as they had, so distressed *Gaines* and his Men, as to hinder them from breaking into the City.

Which he endeavours to take by force.

Frustrated of that, and of spoiling *Thrace*, he resolves to return into *Asia*.

*Fravintus* made General against him.

107. The City being, after this manner, secured, the Inhabitants intercepted more than seven thousand of the *Barbarians*, who return'd to a Church of the Christians, not far from the Palace, as to a Sanctuary, but there the Emperour commanded them to be put to death, thinking it not fit they should escape the punishment they had deserved, by any privilege thereof. Such order he gave, but none there was that durst adventure to fall upon them, or draw them out, fearing they would make head against them, and defend themselves. Thereupon it was resolved, that the Roof which lay above the Altar should be uncovered, that the Soldiers might thence cast fire down upon them; and destroy them by that means; and by that means they did indeed destroy them, but to such as were zealous Christians, a great peculiar crime seemed to be perpetrated in the midst of the City. However, *Gaines* being defeated in his purpose, now raised open War against the State, and falling down into the Country of *Thrace*, found the Towns both fenced with Walls, and defended by the Magistrates and Inhabitants, who being sufficiently taught experience by former incursions, had put themselves into a posture, and now made sallies out against him, having first got all things that were of any value within their Walls, whether Fruits, Cattel, or other sorts of Provisions; so that finding there nothing but Grass, he resolved to leave *Thrace*, to march into the *Cherronesus*, and through the Straits of the *Hellspont* to return into *Asia*. While he was in hand with his frustrated designs, the Emperour and Senate made choice of one *Fravintus* to manage the War against him, a *Barbarian* also by birth, but in other respects a *Greek*; not only in his Disposition and Manners, but also in his Choice, Affections, and Religion. To him, who was already famous for many Commands, and had freed all the *Egipt* as far as from *Cilicia* to *Phoenice* and *Palestine*, from Thieves and Robbers, they committed the Army, which having received, he opposed himself to *Gaines* to hinder his passage over into *Asia*.

108. *Gaines* perceiving he was matcht, exercised his Men, and prepared them for a Battel, and *Fravintus* in the mean time was not idle; but restoring the ancient Discipline of the Camp, foreshowed his Soldiers to labour and diligence, that they were vexed that the Enemy deferred the Engagement. Their General neither omitted, by night nor by day, to view and observe his own Troops, and discover as much as he could of the Enemies condition, and he was not negligent as to matters relating to the Fleet. For he had a number of Ships sufficient for a Fight by Sea, consisting of these they called *Liburnæ* (or Pinnaces) from a certain Town in *Italy*, where those of that fashion were first built. These Vessels were full as swift as the Gallies of fifty Oars, but not to be compared with *Triremes*. But *Gaines*, having broken through the long Wall, placed his *Barbarians* upon the Shore of *Thrace*, which is higher than the rest, and confronts these places that from *Parius* extend themselves to *Lampasus* as far as *Abydus*, where the Sea is contracted within the Straits. The Roman General passing with his Ships to and fro about these places both night and day, observed the Motions of the *Barbarians*. But *Gaines* being distressed for want of Forage, was impatient of any farther stay, and cutting down

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Sec. 1.

Who defects him at Sea.

down Wood in the *Cherronesus*, fitted the Planks so accurately compacted together, that they were in condition to transport both Men and Horfe, which he put aboard these Vessels, and at a convenient time committed them to the water; for they could neither bear any Oars, nor admit of the skill and industry of Pilots, being framed tumultuously, and after a barbarous manner. However, *Gaines* beheld them from the Strand, and imagined the Romans would not be able now to grapple with him, of which their General was no whit ignorant; yet conjecturing what his device would come to, commanded his Ships to put off a little from the Shore. But when he beheld the Vessels of the *Barbarians* carried down by the Stream, he set upon the first that came in order, and falling foul on her with the Beak of his Pinnace, which was covered and armed with Brails, after having played with Darts those that the carried, easily sunk her; which his Fellows beholding, imitated their Captain; so that such as took the Sea, being swallowed up of the Waves, scarcely any of them escaped with his life. *Gaines* sorely distressed with his heavy loss of so many Men, and not knowing what course to take, removed out of the *Cherronesus*, and passed farther into *Thrace*. *Fravintus* thought not fit to pursue him at this time, but kept his Army where he then was, contenting himself with the Victory that Fortune had given him.

109. *Fravintus* was hereupon accused, that he did not prosecute his Enemy as he might have done, but suffered both him and the *Barbarians* that were within him to escape, being his Countrymen, and defended with him from the same Original. Hereupon he went to Court, and what was his defence? *Zosimus* tells you no more than this, that thither he went, as not conscious of any such crime, but carried himself high, and as one that had obtain'd so great a Victory, which he openly ascribed to those Gods which he worshipped. For he was not ashamed to confess in the hearing of the Emperour, that he worshipped and served the Gods, according to the custom of his Country, and could not persuade himself in this point to follow the opinion of the vulgar. The Emperour however received him, and designed him *Consul* for the following year. As for *Gaines*, he having lost a great part of his Army, as was said, hastened with the remainder unto *Ister*, and finding *Thrace* to be depopulated by former Irruptions, whatever he could meet with remaining, he made prey of it. But fearing he might be pursued by some other Roman Army, which might easily overpower that small Force of *Barbarians* that was left unto him, and suspecting such Romans as followed him (for of these some there were) he caused them all to be massacred, when they suspected no such thing; and with his Countrymen passed the *Ister* with purpose to return to his own Abode, and there to pass the remainder of his life. But while he thought of it, and was about so to do, *Uldes* (or *Huldin*) at that time Prince of the *Huns*, thinking it not safe to permit him, having an Army of his own Country Men, to take up and fix upon any Territory beyond that River, and judging he should do a thing very acceptable to the Roman Emperour, if he drove him thence; prepared himself to give him Battel, and gathering together his Forces, set them in order against his Army. *Gaines* considering that he could not now return to the Romans, nor by any other course escape the violence which *Uldes* was resolved to offer to him, went and gave Battel to the *Huns*. And they had several Conflicts, the Soldiers of *Gaines* valiantly demeaning themselves; but at length after a great slaughter of many others, though he fought with great courage and resolution, he himself was also slain. *Uldes* the Prince of the *Huns* sent his Head to *Arcadius*, and for so doing, was both courted by Presents, and received into a League and Society with the Romans.

The Narration of *Zosimus* to be supplied and corrected by other Writers.

110. Such is the account *Zosimus* gives us of this Affair, which is true, as to the Substance; but the Circumstances thereof, as of all his other Relations, are either defective, or big of the prejudice wherewith he was acted, and hurried from that grave indifference and temper, which ought to be in all Historians. If *John* at this time when he was delivered up into the Hands of *Gaines*, was generally thought the Father of *Arcadius* his Son, the People must have been good Prophets that could tell he would have a Son so long before; for he was not born till the next year, in the Month of *April*. That *John* and his two Companions generously offered themselves to become a Sacrifice for their Country, and divert the fury of that bloody *Barbarian*, is attested by other Writers, and some other passages are related that have happened at *Constantinople*, during the Abode of *Gaines* there: The Man was a Christian, but an *Arian* in his opinion; and for himself and such like, he desired of the Emperour that a Church might be assigned in the City. The Emperour taking time to advise, made the thing known to *John Chrysostom*, the

*theodoret. lib. 5. c. 32.*  
Bishop,

A. D.  
400.



Sect. 1.

Honorius pre-  
serves the Pro-  
vincial for the  
Governors of  
Provinces.And his own  
Lands from  
being encro.He takes care  
not to intro-  
duce the Ar-  
my.

114. The *Questor of Honorius* in the West had better leisure to employ his Pen. Though all things were in repose, as *Claudian* tells us, for the Honour of the Consul *Stilicho*, (which others think they have cause not fully to believe, the Barbarous Nations beginning this very year to draw down into the Western Provinces) yet however the late difficulties and fears for the future, required such care and circumspection, that the Roads and other places throughout the Provinces, were constantly full of persons of employment and quality, who were sent to provide against any Disasters that might befall them. Hereupon, as we have already seen in the East, complaints were made about their too free and bold taking up of Quarters, or Lodgings; and the first Law made by *Honorius* this Year, at least now extant, was made upon complaint of the Ordinary Judges of the Provinces (as *Præsidents*) that they were jostled out of their *Prætoria* or public Houses, by greater Ministers; as the Illustrious, or others, who had occasion to travel their ways. This grievance was especially in *Gall*, to the *Præfect* whereof, the Emperor now wrote, commanding him to give notice to all such Ministers, that they obtained from the *Prætoria* of the Ordinary Judges, when they themselves there resided: "otherwise permitting publick persons to make use of these Houses which were destinated to publick service; for in the Summer time they were in their Circuits or Visitations; and possibly in one Country there might be several of these *Prætorii*. To be sure, the Houses belonging to the Emperor's Domain, were secured from the *Ministri*, or liberty of Quarter; and, as those he formerly possessed, so by the same reason, such as of new, fell, or accrued to him by reason of forfeiture for Treason, or other respects. Yet he was forced by an Edict sent to *Pompeianus*, the *Proconsul of Africa*, to protect the Lands which had belonged to *Gildo* and his Complices, and were lately confiscated and fallen into his hands, by imposing a Fine of five pounds of Gold upon him that should enter upon them with purpose to stay, or make any Abode therein."

115. The condition of the times, wherein there was always cause to fear Incurions from the Barbarous Nations, required, that the Armies should be reinforced, and kept in as good Discipline as might be. For this purpose *Stilicho* procured a Rescript to be directed to himself for retraining the liberty now taken of obtaining the privilege of a *Veterane* Soldier, by those who had no right nor title. *Honorius*, in his Rescript, declares, That most *Veteranes* were so made, by virtue of Testimonials fraudulently got; having, indeed, never been Soldiers: and some, when but newly entered, in the flower of their Age, went away from their Country. To redress this mischief, he commands, that every *Letus Alamannus* (of which we lately spoke) wandering *Sarmatian*, Son of a *Veterane* Soldier, or obnoxious to some Body or Society that belongs to the Legions; be drawn out of his Retirement, and embodied in the Army, notwithstanding any Testimonial obtained from the *Profectors*, or persons of any other Dignity. Moreover, that such as had received any Mission, or been discharged from Service, be drawn back again to the Camp; and no excuse be allowed, except it be of Old Age, Infirmary of Body, or Wounds. And, because many were found, either before they entering into Military Service, or afterwards, before it was duly finished, to be hid under pretence of pious Religion, and to defend themselves; not so much by observation of Religious Worship, as the love of Idleness and Slothfulness, covered under the name of Clerks, and busied in the unlucky Obsequies of the Dead: He will have none to enjoy any benefit of such excuse, except they be so broken with Age, weak in his members, or small and deformed in his stature; that he be unworthy the Society of Valiant Men. But he owns at last, that one, having passed through all the Duties belonging to the *Decuriones*, the *Primipilarii*, *Collegiati*, and other Companies, may be excused from the *Militia* of the Camp. "There was another Custom in the Armies at this time; which, however formerly allowed of, was found to tend to the Discouragement of good Soldiers, if to no other worse effect: and that was, of changing or transferring Men, from one *Numerus*, or Regiment, to another. To obviate this, *Stilicho* procured another Rescript, directed to him as *Magister Militum in Gall*; wherein the Emperor declares, That he will not have these Translations made, contrary to the publick Utility. He will have, therefore, all *Comites* and *Duces*, that have any Military Commands, to take notice, that it shall be unlawful, not only to make such Translation from the *Comitatenses* and *Palatinii*, to other *Numeri*; but also, from those called *Pseudo-Comitatenses*, the *Riparienses*, *Capriciani*, or the rest: giving this reason; Because the Augmentation of Honour ought not to proceed from Inhabitation, but from Labour and Diligence. If any transgress this Command, for every Soldier, he shall pay a pound of Gold."

A. D.

400.

L. de Militiis,  
Cod. Th. l. 1. c. 1.  
Cod. Th. l. 1. c. 2.  
Cod. Th. l. 1. c. 3.L. 1. c. 1. c. 2.  
L. 1. c. 1. c. 3.  
L. 1. c. 1. c. 4.L. 1. c. 1. c. 2.  
L. 1. c. 1. c. 3.  
L. 1. c. 1. c. 4.L. 1. c. 1. c. 2.  
L. 1. c. 1. c. 3.  
L. 1. c. 1. c. 4.L. 1. c. 1. c. 2.  
L. 1. c. 1. c. 3.  
L. 1. c. 1. c. 4.

116.

Sect. 1.

Profectors sent  
into the Pro-  
vinces to bring  
back Stragglers  
to their Co-  
lours.Inhabitants of  
Towns also re-  
called.Militiamini  
brings several  
Complaints  
out of Africa.Which Honorius  
endeavours  
to pacify.

116. The former Law of *Honorius* did so little good for the bringing back of Stragglers to their Colours, that the *Profectors* were forced to be sent down into *Gall*, to make Inquisition after the Sons of *Veteranes*; those they called *Vagi*, or Wanderers, from one Seat where they were obnoxious to the *Militia*, to another; and those, who, by reason of their Original, were tied to the Service. This we find by another Edict, directed, this Summer, to *Vincentius*, the *Præfect of Gall*; whereby the Emperor takes care, that those *Profectors*, or *Inspectors*, be intent upon the business, about which they were sent; and offer no injury to the Possessors of the Lands. "But, not only did Soldiers now stray from their Stations; but so great were the Tumults, Fears and Disorders of these times, that the Inhabitants, and such as were imbedded into Cities, Towns and Boroughs, ran away from their Houses and Charges; to the great disparagement, and loss of the places where they once lived. Some betook themselves to a Country Life; living secretly, and out of the way, in the Services, and Tillage of Great Men: Others were content to become a sort of Villains; and to marry the Slaves of those, in whose Grounds they could hide themselves: And some wandered up and down, they knew not well whither. What the reason of this great and extravagant disorder should be in particular, we cannot well guess: Some attribute it to the Injustice and Oppression of Lords and Corporations; who treated these men so ill, as to force them to run away. But, when ever the Ruin of a Nation draws near, Vice abounds, and the minds of Men are possessed with Giddiness and Extravagancy, betraying it self, sometimes in one Symptom, otherwhilens in another. The Emperor, informed hereof, took notice of what tended to the disgrace of the Government, in a large Constitution, directed, also, to *Vincentius*, the *Præfect of Gall*; whereby he commands, That where ever they can be found; such persons be brought back, without the admittance of any excuse. As for their Sons that were born before forty Years, he will not have them meddled with: But such as they had begot within that time, shall be divided betwixt the Lords, whose *Slave* Slaves or Villains they had married, and the Bodies or Companies (called *Collegia*) which they had deserted; and to which, now, they were to be drawn back."

117. Where the publick Benefit was concerned, he would allow of no such Prescription; but thought fit to admit of some temper in matters relating to himself or private Men: So that if any pretended to be a Villain, or perpetual Servant, had been in the nature of a *Curialis*, a *Collegiate*, or *Burgarius*, for thirty years; though the Domain of the Prince, or any private Person, challenged him, their Claim should be extinguished. And because often it happened that the Members of Bodies or Companies ran away by Convivence of the Chief Officers, he strictly charges the *Primates* and *Defensores* to look that none escape; imposing Banishment upon such as should, out of favour, connive at such Ecapees. "Further, to put a stop to the boldness of Villains in running from their Lords; he ordains, That such Lords as were *Bona fidei possessores*, should have the benefit of the *Interdictum Utrubique*, for restoring such a Fugitive immediately into his possession, and the Title to be proved afterwards; as was usually, in case of Forcible Entries, or things taken away by violence. "At this time one *Masilianus* arrived at Court; being sent on a Message out of *Africa*, to procure a Redress of certain Grievances. What they were we may well understand from the Constitution of Redress it self, which he carried back to *Pompeianus* the *Proconsul*; divided now according to the several matters, into several Laws, and under divers Titles. One thing he had in Commission to complain of, was, That the Sons of *Pagan* Priests were compelled to succeed their Fathers in that troublesome and superstitious Employment; which the Emperor, in his Answer, judges unreasonable, and prohibits. He complained also of the great oppression of the poor Provincials in reference to Tributes; which happened through the iniquity of the Officers partly, and partly through the Inequality of the Distribution; the richer Men going free, when the Poor were harassed with Payments. Particularly, there were very wealthy persons, that had vast Summs of Money at Interest, and great Income thereby, and paid nothing for them: In Answer to which, *Honorius* returns, That it is fit that all Negotiators or Traffickers pay that Contribution called *Lustralis Penso*, or *Collatio*; and not only those who exercise Commerce in Cities and Territories, but those also, who have daily Incomes by the way of Usury. Esteeming that with Money to be as much Traffick and Commerce, even as the ordinary way of Merchandizes."

118. Another thing, as to the inequality of burthens was complained of: Which was, that the *Petrane*, or *Emerite* Soldiers, coming into possession of Lands that





Sec. 1. tend, that those Lands belonged to some great Person; and set up the Title, or Name of this Person upon them (as the custom was, for the Owner to have his Title upon his Lands or Houses,) thereby to terrify the Plaintiff, and affright him with thoughts of going to Suit with so great an Adversary. This the Emperor so far distates, as to inflict Infamy upon any person, allowing his Title, or Name, to be used: And besides a Forfeiture of the thing, commands him that doth it, to be beaten with the *Plumbata*, or Plummers, wherewith Malefactors were wont to be chastised.

A. D.  
400.

*Laus de his qui  
patent non, in  
ita potest.  
Cod. The. l. 12.  
tit. 14. c. 1.  
L. 10. Cod. J. ff.  
de l. 11.*

A. D.  
401.

*Vincenzo &  
Fravitta, Conf.*

*L. 17 de Bonis  
Prestatorum,  
Cod. The. l. 12.  
tit. 14. c. 1.*

*L. 12 de Proxi-  
mi, Cod. The.  
l. 12. tit. 14. c. 1.*

*L. 12 de Proxi-  
mi, Cod. The.  
l. 12. tit. 14. c. 1.*

*L. 12 de Proxi-  
mi, Cod. The.  
l. 12. tit. 14. c. 1.*

*L. 12 de Proxi-  
mi, Cod. The.  
l. 12. tit. 14. c. 1.*

*L. 12 de Proxi-  
mi, Cod. The.  
l. 12. tit. 14. c. 1.*

*L. 12 de Proxi-  
mi, Cod. The.  
l. 12. tit. 14. c. 1.*

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mi, Cod. The.  
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mi, Cod. The.  
l. 12. tit. 14. c. 1.*

*L. 12 de Proxi-  
mi, Cod. The.  
l. 12. tit. 14. c. 1.*

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Beginning of  
Gains his Es-  
tate restrain-  
ed.

Pravini and o-  
thers that were  
made Senators  
freed from  
Burthens.

Pravini sets  
the Rate of  
Horses in A-  
frica.

Removes a  
Cheer of the  
Sufceptors.

Sec. 1. together, and lived unfrugally for some time; then fell in want, and deferred the Service; and that in the Provinces of *Namidia* and *Asuritania*, which were upon the Borders, and required the care and diligence of Military Men in an especial manner. To the maintenance of these Provinces, they of *Africa* *Proconsularis* were wont to contribute: And therefore, the Emperor commands *Pompeianus*, That within his Jurisdiction, no such Money be given before-hand; nor any allowed, but what appeared from the Books of Accounts. And all such Acquittances received from the Soldiers, he declares, for the time to come, shall be null and void. And because the Governors of Provinces were often negligent of collecting the Revenue, which was part of their Charge, under the *Præfects*: By a particular Law he now enacted, That such as were found so to be, should return all the Profits and Advantages they had received, during their Administration.

A. D.  
401.

*L. 12 de Sufcep-  
toribus, Cod. The.  
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toribus, Cod. The.  
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L. 12 de Sufcep-  
toribus, Cod. The.  
l. 12. tit. 14. c. 1.*

Quickens the  
Ridgelines in  
raising the Re-  
venue.

Does his ut-  
most to free his  
Subjects of  
Africa.

He is constrain-  
ed to remit  
Arrears

124. The *Tabularii*, or those that kept the Books of Tributes, of Old, were public Slaves; which Custom being grown obsolete, the Slaves, or Villains, (*Coloni*) of private persons, were often, now a days, employed in the Accounts. This was thought very indecent, and against the Commonwealth; and as such, *Honorius* prohibits; whether these *Tabularii* be made for an whole Province, or a particular City: So as, whatever Lord, for the time to come, shall, knowingly, allow his Slave, or *Colonus*, to be thus employed, shall be answerable for all the Accounts managed by him; and such Slave or Villain shall be confiscated, or fall to the Exchequer. As for what was past, he doth not require that the Lords should give an Account; but yet, produce them, and have them forth-coming; that they may be subject to Examination by Torture. But, the effect of the care which was taken for *Africa* was, or as it seemed, would be, this; that heavy Complaints still came over, of the burthens sustained by the Inhabitants; who, in particular, alleged, that they had paid more than was necessary in a late extraordinary Tax, for defraying the publick Charge. Once more, to redress, or prevent their Grievances, *Honorius* commands *Pompeianus*, That if there be any Overplus, it be allowed at the next ordinary Payment that is to be made. And, to quiet their minds, he wrote to the *Provincials* of the *Proconsular* Province themselves; as also, to those of *Namidia*, *Byzacena* and *Tripolis*; assuring them, that he had with care and circumspection determined, that nothing more, in an extraordinary way, should be put upon them, but what the mere Necessities of the Army required. And if any thing more should happen, it should be allowed in the next Indiction. And as for the finding of Horses; they of *Numidia* should pay, instead of twenty, but eighteen *Solidi* for every Horse that was extraordinarily raised for the *Curators*; or such as had care of the Borders: and the *Byzaceni* and *Tripolitani* only fifteen; for those of *Numidia* were most excellent. Further, whereas they were much vexed, upon such occasions, by those called *Opinatores*; who were Soldiers lent to exact such extraordinary Tributes as were behind, as the *Optimes* exacted from the *Sufceptors* the ordinary or Canonical Payments; he declares, that they shall call, and be urgent upon, the Judges and their Officers, so as the Tax be raised within the space of a Year. In the last place, He acknowledges he had found that many had oppressed them, by pressing Carriage-Beasts for *Paraveredi* and *Paraveragie*: But, to prevent it, he ordains, that none, for the future, presume to use such liberty, but in publick Necessities; and when they are furnished with sufficient Licence for so doing.

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toribus, Cod. The.  
l. 12. tit. 14. c. 1.*

123. *Honorius* was also so much at leisure from War, as to make preparations for it; which he had reason to apprehend. As his Brother at *Constantinople*, he continued at *Milan* till the latter end of the Year; and then went to *Atinum*. At *Milan* he was put in mind of the state and condition of *Africa*; which, as it had been assailed by Tyrants and Rovers, upon the Borders, so still presented matter, to verify the old Proverb, That it always afforded some new thing; some Monster, something of Disturbance and Innovation. For repressing these Disorders, and maintaining their own Quiet and Repose, the *Provincials* were wont to supply the Government, as with other things, with Horses, or Money paid in lieu thereof. It being now again questioned, at what Rate an Horse should be set; *Honorius*, by his Rescript directed to *Pompeianus*, the *Proconsul*, sets the price at twenty *Solidi*; out of which, seven he will have allowed to the Soldiers, for finding themselves Horses, this being an extraordinary Imposition. And for the ordinary way of Contribution, he afterwards gave order, that payment should be made according to the Wealth of the Provinces, or the goodness of the Horses: And that the *Comites* *Strabuli* should receive two *Solidi* for their Fees, and, as had been desired by *Gaudentius*, the *Comes* of *Africa*, the Soldiers seven *Solidi* for their Horses. There was now discovered a Cheat, in that Country frequently committed by the *Sufceptors*, or Receivers of the *Annona*, or Provisions: who were wont to give these Provisions, or Money, before-hand, as was pretended, to the Soldiers, and take their Acquittances: Whereby it came to pass, that the Soldier, living spent all to-  
gether,

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Sect. i.

Breives were made authentick; or in the hands of the *Difensiores*, who were sent to leavy the Arrears. All these Accounts he commands to be burnt. From the Year of his first Consulship, till the Consulship of *Olybrius* and *Probinus*; or that wherein his Father died, and he came to be Emperor indeed, his pleasure is, that the Exaction of all Dues be suspended, till such time as the ordinary Judges can give an Account in Writing; as well of the condition of the Debtors, as of the Summ due; that thereupon he may consider, who, by reason of their Indigence, are fit to be indulged, and who are able to pay their full Dues; which might sufficiently appear from the Books of the *Miniftrarii*, who were the Under-Collectors; and of the *Curiales* themselves. But, from the Consulship of *Olybrius* and *Probinus*, or the Ninth Indiction, to the Date of this Law, he will have the Collection of all Dues to be hastened; certain Farmers of the Revenue, and others, excepted. These are such as hired the Customs of the Havens and Ports; the *Publicans*, or *Telonnarii*, who received Toll in Markets; the *Prepositi Thesaurorum*, of which there were four in *Gall*; the *Prepositi* of the *Babina*, of which, the *Notitia Imperii* mentions nine in the West; being Work-houses destined to the dying of Purple, and two of them in *Gall*: the *Procurators* of the *Gynæcia*, of which we have already spoken; whereof, were sixteen in the West; and of these, six in *Gall*: And the *Procurators* *Monetariorum*, or of the Mints; of which, the *Notitia* mentions six in the West, and three of them in *Gall*. To these, with others, whom the *Palatine* Officers, or those belonging to the Treasurer, kept in their Books (as the *Prepositi* of the *Argentarii*, or Silver-Smiths) he gives Plenary Indulgence; so as if they themselves at this time be deceased, yet their Heirs shall not be molested for their pretended Debts.

On the other  
he takes care  
for the preserv-  
ing and pay-  
ing the pub-  
lick Revenue

126. *Honorius* being so liberal to remit these Arrears, had the more reason to take all Legal Advantages for his own Supply. There was one *Marcharius*, who had been Proscribed; probably, for having been one of the *Satellites* of *Gildo*, and had left his Goods in the hands of divers persons, who concealed them. The Emperor wrote to *Bathanarius*, the *Comes* of *Africa*; That seeing it had appeared upon Torture, that there were such concealed Goods; if any Concelor would, within two Months time produce them, he should be pardoned for what was past; otherwise, his Estate be confiscated, and he himself undergo the pain of Deportation. To prevent the imbezilling of what belonged to his Domain, he now prohibited any *Palatine* Officer belonging to the *Comes Rei Private*, either by himself, or any other person, to farm, or hire, any Possessions appertaining to it: as by another Constitution, directed also to *Nestorius*, who now bare that Office; It is forbidden, that they buy any thing belonging to the Domain; as Gold, Silver, Slaves, or the like. And, that the Revenue might come in in convenient time, toward the latter end of the Year, he thought fit to quicken up the Vicars of Diocesses; on whom (under the *Præfecti*) as he saith, lay the care of levying the whole Collation; and transmitting the Provisions, either to the publick Granaries, or where the Soldiers had want or them. He commands, That they press the Go- vernors of Provinces to the Discharge of their Duties; that every Month they take diligent account, what, or how much, hath been brought in, or transmitted: And, that they animadvert upon such Governors as are found to be negligent of their duty. And, this he seems to have enacted, with design to reinforce the Authority of *Vicars*; against whom the ordinary Judges spurned at this time, and contemned them. *Fulfinian*, yet afterward, did not think fit that they should have such an hand over them; and therefore, this Constitution is not put into his Code.

Arcadius gives  
the Title of  
Emperor to  
his young Son  
Theodosius.

127. For the Year CCCCII the two Emperors, *Arcadius* and *Honorius*, now, the fourth time, were *Consuls*. *Arcadius* continued at *Constantinople*, and *Honorius* at *Ravenna*; which, now, began to be an Imperial Seat; he having, in a manner, left *Milan*, and here fixed his Abode. And, now, the Laws we meet with, present us with the Names of three Emperors: for, in the beginning of this Year, and of *January*, did *Arcadius* give the Title and Dignity of *Augustus* to his young Son, *Theodosius*; born, as we said, the fore-going Year. The times, now, began to be very ill; Clouds to gather, and Tempests to hover over the Western Parts; and, amongst Arms, Laws were put to silence, to such a measure, that we meet with but two made this Year; or one by each of the Brothers. But, having now got another Colleague, we must take notice, that before his promotion, were several others made by them, now extant: some without Date, or Consulship; and others without the Names of the Persons, to whom they were sent: Of which,

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Sect. i.

it will be convenient, only to mention such as are most remarkable, and best fit our purpose. One of these allows to *Dominator*, the *Proconsul* of *Africa*, no fewer than four hundred *Apparitors*; by which we may see the Greatness and Splendor of that Command. Another, one hundred *Cohortales* to the *Præfidents* of *Italy*: by another, the *Nauicularii* are exculd from all Turbifurths, or the Office of Guardians; except it be of those of their own Body. Another of these Laws gives us to understand the condition of the *Coloni* *Censiti*, or Husband-men, paying Rent to their Lords; that they were no better than our Villains, once here in *England*; who had their Name from the *Villa*, or Village, which they tilled; as the *Coloni* also theirs, from the tilling of these Grounds or Villages. They declare by that Law, that as those *Coloni* are Free Men in reference to others, to whom they owe no Tribute as Subjects; so, by reason of their obnoxiousness to their Lords, they seem to be bound by a kind of Slavery. The effect thereof was this; That they forbid that such *Coloni* be allowed to sue their Lords; they, and all they have belonging unto them, so, as to be alienated and fold when they please. It had often been formerly relieved, that such an one, without content of his Lord, could not alienate his very *Peculium*: and the Laws gave them power of acquiring, but not of alienating any Goods. Seeing then, they were not *Sui Juris*, and acquired what they got for their Masters: *Arcadius* thinks it unreasonable in this Edict, directed to *Nobrius*, that they should be permitted to sue their Persons; yet, if they were over-burthened in their Payments, they had liberty to complain. And, in Criminal Causes, they might accuse them, and vindicate themselves; the Publick it self being concerned in such matters. But such Fugitives they were at this time, that several Laws were made for returning them to their owners. And the *Magistri Militum* were forbidden, as well to receive them into the Army, when Volunteers; as to compel them to the Military Service.

Arcadius re-  
forms the A-  
buse in the  
Bread given to  
Constantinople.

128. *Arcadius* derived an hereditary kindred for the City of *Constantinople*, from his Father. That *Annona*, or Provision of Bread which had been first given by *Constantine*, *Theodosius* enlarged, when he raised more Buildings, and increased the number of Houses; as we have seen from *Themistius*. The design of them both was, to encourage Inhabitants, and promote the enlargement of it: Yet, as Corruptions still will be breaking in, upon the most laudable Constitutions; this Bread was transferred upon other persons than House-keepers: which Inconvenience had been seen by *Arcadius* six Years before: And he gave order to *Africanus*, the *Præfect*, to see, that all that had no Houses should be deprived of it, except they would build within six Months. Yet, still, for all this, other sorts of persons drew it to themselves; which now caused the Emperor to appropriate to himself the granting of an Interest in this Provision: And he commands *Clearchus*, the present *Præfect*, that none be suffered to enjoy this privilege, but such as shall obtain it from himself immediately; or else, by Grant from the *Præfect* of the City, confirmed by his Imperial Authority. But we are interrupted. All the discourse at *Constantinople* now was, of *Marich*, the *Goths*, his quitting of the more Eastern Provinces, and drawing down toward the West. He had, now, for a long time, harraided the Countries of *Epirus* and *Pannonia*, with other Regions; and his Successors animated him, that, thinking no Enterprize too great for him to undertake, he thought of no less than invading *Italy*; nay, of setting upon, and captivating the Lady and Mistress of the World her self. He told his Men, that it would become them, rather to get Kingdoms of their own, than to serve in the Dominions of others. That *Italy* was near at hand, a Country, not only, full of Wealth and Spoil; but very fit also, wherein to settle and inhabit. That he was resolved to invade it now that it was not at all fortified, or prepared against such an Attempt; and not thence to depart, till he had taken and filled *Rome*: where innumerable Riches, raked out of the whole World, had, throughout so many Ages, been hoarded up. They, with a great noise, testified their Applause to what he said; and encouraged him to undertake the Expedition: Which, that he might with more Courage do, they chose him, not only their General, but their King; and prepared for the intended March.

Marich refo-  
lved to march  
for Italy.

129. He resolved to let Summer be past before he would set forward, that he might make War in *Italy* in winter time; the rigour of which he & his *Goths* could well endure, as born in cold and remote parts: But he thought it would go very hard with the *Italians*, if forced to be in the Field, and endure the Hardships of War in that Season. Having got together a sufficient Army, consisting of *Goths*, *Flams*, *Alans*, and other Bar-  
barous

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SECT. I. barous Nations, he quitted the lower *Pannonia*, and marched strait into the upper Province, as far as *Noricum*, and the *Alpes*; which he easily made himself Master of; for, thence he drove *Atius*, who commanded those Passages: And understanding that *Honorius*, the Emperor, was in *Liguria*, he passed through the Forest of *Tridentum*, or *Trent*; and toward the end of *August*, arrived in *Venetia*: Directing his Course toward *Aldua*, he easily subdued the Cities of that Quarter. Having passed the River by a Bridge, with which he left a sufficient Power of Men to guard it, he marched for *Liguria*; and halted to the River *Padus*, to come as speedily as might be, to *Hasta*; where he heard that *Honorius*, at present, lay.

A. D.  
402.

## SECT. II.

### The Second Step to the Ruin of the Empire.

From the first Invasion of Italy, By the Goths; to the first taking of Rome by that Barbarous People.

Containing the space of eight Years.

UPON the Rumour of the Invasion of *Italy*, though but yet designed, being spread abroad; incredible it is, with what Contention, the minds of all Men there, were seized; as not accustomed to such Attempts. And, as fear is always ingenious, if not to invent, yet to patronize all pretended Omens; all strange things that of late time had happened, were very fadly rehearsed in discourse, by one Neighbour to another. One talked of several Monsters newly produced to the view and admiration of the World: and, according to his Ethnick Religion, discoursed of the Thunder lately heard, of what the *Sibylline* Prophecies foretold to happen about this time; and what ill luck the Birds by their inauspicate Voices and Gestures, did portend. Others, more Philosophically, argued the Empire to be in extreme danger, from the frequent passions of the Moon; which the Vulgar believed to proceed from other Causes, than the interposition of the Earth betwixt her and the Sun. They related, what strange Hailstones, of an unusual bigness they had seen: told how Bees, at an unreasonable time, attempted to swarm; and called to mind, how a Comet of extraordinary bigness and shape had lately appeared. But, above all, the strange fight of two Wolves most affected them: which, when the Emperor was riding abroad, presented themselves to his view, and had the courage to set upon the Company. Being received upon the points of Spears and Swords, they were easily dispatched; but when their bellies were opened, there appeared two hands of a Man; in one a Right, and in the other a Left; bloody, and with the fingers stretched out. This Prodigy they concluded, did threaten *Rome*, the Founder whereof was nourished by a Shee Wolf, though the Poet applies it to the Victory afterward obtained. They now began, he saith, to reckon and cast up the Age of the City; and they cut off part of the time, and anticipated the term of twelve hundred Years predicted by the Augurs. This, indeed, was but the MCLV year of the City; but the term now began to approach; and we shall find, that the guests happened to be very unlucky. But, whereas *Claudian* speaks, amongst other ill-boding things, of frequent Eclipses of the Moon; this Luminary, indeed, this year, was twice eclipsed, viz. on the first day of *June*, and on the twenty sixth of *November* following.

2. To the terrors that arose from such like things, this real disadvantage was added; that the people inhabiting *Rhetia*, now, either excited by the *Goths*, or led thereto by their own inclination and hopes, revolted. *Stilicho*, to obviate all these

Sid malus hi-  
terpre rerum  
metus omni tre-  
pidus  
dignum pju-  
te videri, trans-  
tatu membra  
Noricumque  
lapum, donec  
neguque min-  
ti, a vobis  
territis afflu-  
in uno latere.

SECT. 2. mischief, had caused the Cities to be well fortified with Walls; Especially *Rome*, of which, is still extant an old Inscription, in a Stone, erected to the memory of *Arcadius* and *Honorius*, for repairing the Walls, Gates and Towers of the Eternal City, with the Exportation of an Immense Quantity of Rubbish, from the Suggestion of the most Famous *Vidus* alio took care for reducing the *Rhetians*. But, when *Alarich* was once entered *Italy*, *Rome* seemed to the Inhabitants to be already taken: the noise and terror flew as far as from *Caude*, to *Britannia*; and there, though most remote, seemed to tremble. The very Ich of Couthoufles now seemed to abate, when the greater care of the very life and subsistence it self, was now most prevalent. They carried their Wealth A-board: The Caves in the remotest Rocks seemed, now, the best places of Retirement. *Sicily*, and other Islands, they thought of; but *Sicily* was thought to be too near at hand: and, as the Poet expresseth it, it wifed it self, if Nature would bear it, more remote; and removed as far as into the *Ionian* Sea. In sum, such as lived in the more remote parts of *Italy*, thought of flying into *Sicily*, *Sardinia*, *Corfica*, or other places of Retirement, which the *Mediterranean* afforded: And such as dwelt in *Venetia*, and near to the *Adriatic*; if necessity should compel them, resolved to evade the Storm, by betaking themselves into the little Islands of that Gulf. And the very Court of *Honorius* was in no less fear and deparation, when they perceived, that to them the *Barbarians* directed his Course; urging and contending, that the safest place they could fly to, was *Gaul*. Indeed, the Event was answerable fully, to the horror that seized on their minds: for, though the *Barbarians*, at his Entrance, received some Rebuke; yet *Italy*, which for so many Ages had been in Repose, and a Terror to all other Countries, from this time, forward, became the Subject of all sorts of Calamities, and never was at quiet; but, for very many years, afforded Examples of strange and frequent Revolutions, of the Vicissitude and Incontinuity of Humane Affairs.

3. The only man that gave any hopes of Comfort, and proved another *Stator* to the *Romans*, was *Stilicho*: who, if you believe *Claudian*, also proved both Prophet and Captain, as to their preservation from this one shock, so much apprehended. He shewed them, by the example of governing a Ship in a Tempest, that it was not now time to complain; and, like Women, make a noise; with which the Wind and Seas would not at all be appeased: but every one was to lay his hand to the Sails, to contribute to the well steering and guiding of the Ship, and the emptying out of those Waves it had received through Leaks. He told them, there was no such cause for despair; if, while the *Roman* Forces were employed in *Rhetia*, the *Goths* had peridiously broken into the Country; having learnt their way over the *Alpes* in the late Rebellious times; wherein, indeed, *Alarich* served *Theodosius* with a Band of his Men, against *Eugenius*: And, as the Poet truly observes, the discord of the *Romans*, gave occasion to the War with the *Barbarians*. He further encouraged them, by the Fortune and Success, which ever had followed *Italy*, against the Attempts of Foreigners; and convinced them, that he, in the capacity he stood, of Father, and Father in Law, had as fair a stake to lose as any of them: And, perceiving it was so by the Emperor his continuing with them, as it were an Hostage of Fate, they were the more fastidied. For, *Stilicho*, leaving *Honorius* and his Courtiers, instructed how best to make their Defence, took his way for *Rhetia*; and passing, by Boat, the Lake *Larius*, in the hardest Winter went over the Mountains, covered with Snow and Ice and easily, by the awe of his Presence and Voice, reduced the Revolters to their former Obedience: who, at the sight of him, were no other wise affected, than a company of Servants are wont to be at their Master's returning: Who, imagining him dead, or at a distance, were up in all sorts of Jollity and Diversions, and throwing the House out at the Windows. He convinced them what folly it was to take advantage at the War now made by the *Goths*; as if *Rome* had not both Power, and Encouragement enough from former Experience, to suppress two Enemies at the same time. And, he instanced in King *Philip*; who, out of vain hope, fell out with the *Romans*: at such time as they were deeply engaged with *Hannibal*; and paid dearly for this Experience, that *Powerful* Princes and States are not to be irritated and provoked, though they be in present trouble.

4. Having easily brought them off by such persuasions, he then set himself to the raising of a convenient Army; which, some say, amounted to about thirty five thousand Men. This number seemed to him sufficient, as being much of the same opinion with *Alexander*; who, when he might have raised out of *Macedonia*, *Illyri-*







Sect. 2.

He will have  
none excused  
from certain  
services due to  
the Army.Favours the  
Dilectio of  
Rome.The City of Rome  
banished.Honorius induces  
vours to recon-  
quer the Estate  
of Glido.

the Exercise of the Military Men in the *Campus Martius*. Nay it's believed that this very Year he took away the cruel Combates of the *Gladiators*, with which all good natured Persons could not but be offended. He continued at *Rome*, till August at least, as appears from five Constitutions which bare Date from this City, and this Consulship, being directed to *Hadrian the Pæficus Prætorio*. One of these relates to War, though in time of Peace, declaring that no Person or Persons whatever shall be excused from Contributing to the Baking of the *Buccellatus* or Bisket for Soldiers, and the removal of the military *Annona*, or Provisions, from place to place as occasion shall Serve; no not the Domaine or Patrimony of the Emperor himself. If the *Bailly* or Officer of any Lord neglected to do this Duty, he must be grievously punished, and the Lord himself, if knowing, pay the fourfold of what is due from his Land. For this was the Burthen of the Soile, and paid in Money by the *Provincials*; the Bread it self or Bisket, being Baked by several Bodies of Bakers destinated to this Work in the Provinces, who had their own *Præpositi* or Overseers.

12. We do not find that by any Law Enacted now, he fought to reward or gratify the People of *Rome*, except it was by one made in favour of the *Decurie* or Bodies, as we have said, of *Scribes* of several forts, as *Librarii*, *Fiscales* and *Constitutiones*. It's directed to *Exsuperentius*, *Fulius* and the rest of the *Decuriales* or Judges, (being the chieftain in the Offices) and confirms to them the Privileges formerly granted them either by his Father or the former Princes; so as no ordinary Judges or Governors of Provinces, to whom he will have notice be given, and who were wont to infringe them, shall offer them any corporal Injuries, by subjecting them to questions by Torture, or hinder them of their just Profits and Emoluments. In the mean time, while there was nothing but Joy and Triumphs at *Rome*; the City of *Constantinople* was in far different humour, by reason of a Pique which *Eudoxia* the Empress, had to *John Chrysostome* the Bishop. He had invented against a Statue erected on a column of Porphyry near the Church of *St. Sophia*, to her memory; with which she was so nettled, that for this and other provocations she pretended, she so far incensed her Husband, that several Bishops were sent for to *Constantinople*, and amongst others, *Theophilus* of *Alexandria*, on purpose to depole him, which they did accordingly, and having put one *Ascius* into his place, he was banished to *Cucusus*. The People, whom, as *Josephus* tells us, he had a wonderful Art in pleasing, fell into great tumults; and on the other side *Arcadius* obnoxious to his Wife (a proud, high Woman) and if you will believe that Writer, wonderful dull and silly, forbade their meetings. After the banishment of the Bishop, a great Fire happened in the City, which his Enemies attributed to the Contrivance of his Party; and they to that of those that ejected him; and many Examinations were had hereupon, and several Persons tortured, for finding out, or else concealing the Truth. For this purpose several Edicts we find this Year made, which with the occasion of them, being of Ecclesiastical Concernment, we must refer to that History. Of one we shall only take notice, which was made upon this occasion; that those that they called *Fabricenses*, or belonged to the publicque forgers, were entertained by the Lords of Grounds, to be their *Bailies*, or to hire, or till their Lands. This tending to a double Mischief, in that the publicque work of making Armes was thereby neglected, and the materials of Iron and other Mettals stolne and diverted to private uses, he tells *Anthemius* the Magister *Officiorum*, that such Entertainer for the future shall loose his ground, as is intrusted with such a *Fabricensis*, which shall be confiscate, and the Party so entertained, incur a Mult of two pounds of Gold.

13. The Year CCCCV of our Lord had *Stilicho* the second time and *Anthemius* for Consuls. *Honorius* was now returned to *Ravenna*, where he was given to understand that notwithstanding all the order and course that had been taken for confiscating the Estate and Patrimony of *Glido* and his Associates for seven Years; yet several of their Possessions were still held and concealed by private Men to the disgrace as well as the loss of the Government. To give all the remedy he could, he issued out an order to *Ursicinus*, his Comes *S. L.* requiring all diligence to be used for discovering and Confiscating the remainder, and for both an encouragement and terror to Concealers, ordered that whosoever would come in and confess, should only pay the profits they had received, without incurring any Mult or Punishment, but if they came not before the first of *October* following, they should forfeit the double value both of what they possessed and also of the Fruits, or Profits redounding from it. By this and other Laws it appears how bold some Persons were in these Days, upon the suppression of a Tyrant or publicque Enemy,

A. D.

404.

L. 2. De excus-  
tione & translati-  
one Annunatio-  
nis. Cod. Theod. tit.  
1. §. 1. L. 2. Cod.  
Jus. tit. 1. de  
D. 1. Cod. Apr.  
de Roma.L. 4. De Decuri-  
is in vrbis Rome.  
Cod. tit. 1. de  
Cod. Jus. tit. 1.  
tit. 1. de 8. id.  
Jus.L. 2. De Fabricen-  
sibus. Cod. Theod.  
tit. 1. de Jus.  
tit. 1. de Jus.  
tit. 1. de Jus.  
tit. 1. de Jus.

A. D.

405.

S. 1. De 2.  
S. 1. De 2.  
S. 1. De 2.L. 19. De hoi-  
bus. Cod. Theod.  
tit. 1. de Jus.  
tit. 1. de Jus.  
tit. 1. de Jus.

Sect. 2.

He restores  
Appeals to the  
Præfatus of  
Africa.Arcadius al-  
lows moderate  
Interest to Sen-  
ators.Forbids his  
Palaces to be  
taken up.

my; either to conceal their Goods or Lands, or to seize on them, as by public Authority; which was constrained, afterward, to force them to shew their Titles. But, in such disorder did *Africa* still continue, that, to redress the Inconveniences thereof, the Emperor, in whose District it lay, was well nigh put to as much trouble, as for all the other Provinces belonging to him. Yet, had the *Præfatus* thereof power of Appeal from other ordinary Judges; and to determine of matters, *Vice Sacra*, as they termed it, since the beginning of the Reign of *Constantine*; though, before, as well he, as the rest, were appealed from, to the *Præfatus* of the City. *Honorius*, now, to save himself the trouble, as well as Appellants, the Labour and Charge; declared to *Diocletian*, the present *Præfatus*, that he would have this custom observed, which now he terms ancient: Adding withal, that he should receive Appeals from the *Gentiles*, or their Commanders; who, being raised out of Barbarous Nations, watched at the Limits of the Empire; which was a singular Prerogative.

14. *Arcadius* this Year, from *Constantinople*, took a Progress into *Bithynia* and *Galacia*. At *Nice*, in *Bithynia*, we find him at the beginning of *June*; by the date of a Law, which there he made concerning Usury. It must be known, that, by virtue of some Constitution, not now extant, in those days it had been unlawful for Senators to put Money to Interest. And indeed, during the *Roman* Commonwealth, as *Gothofred* observes, by how much persons were elevated above the ordinary condition, and more able to tyrannize over their Debtors; by so much the more were they restrained, in the Exercise of Usury, by the Laws; yet, to evade these Laws, when it was unlawful for Senators to take Interest, they would receive Gifts or Rewards; which possibly, might amount to as much as the Interest it self. And therefore, *Alexander Severus*, permitting a third part to be taken by other persons, allowed Senators to receive one half of the third part, or two in the hundred. But afterwards, again, it became unlawful to them to receive any at all; until, at last, it seemed unreasonable, that young Senators, or those that were not of Age, should be restrained from so doing; both because their young years were wont to be favoured, and they could not make use of any power to terrify and oppress their Debtors. Therefore did *Arcadius*, seven years and an half ago, declare to *Eusebianus*, then *Præfatus*, That Interest, which was stipulated and contracted for, should be paid them, as well as the Principal. And now, this Year, he thought fit to take off the Restraint laid upon all Senators, so far, as by an Edict inscribed to *Optatus*, the *Præfatus* of *Constantinople*, he gave leave to them to receive the half of the hundred by the Month; or, as we say, fix in the hundred. For, as we have formerly shewn, the *Romans* paid Interest every Month; and the hundredth part, or one in the hundred: so that, at that rate, one hundred of our pounds must have brought in one pound every Month, or twelve by the Year. This was ordinarily allowed by the *Roman* Law to other persons, whatever some particular Prince might do. But *Arcadius* thought fit to limit Senators to one half.

15. From *Nice*, he removed to *Ancyra*, in *Galacia*: where we find him in the beginning of *July*. In his Progress, he took notice how his Houses or Palaces in the Country were abused, by the frequent use which the ordinary Judges of Provinces, and others, made of them in their Travels and Removals. To signify his displeasure hereat, he commanded *Anthemius*, now *Præfatus Prætorio*, That none should have leave to continue within his Palaces in any City and Mansion; but that the Governors of Provinces, and Vicars of Dioceses, should take care, that none usurped that liberty in their Journeys; as also, that they fell not to decay, for want of Repairs. These things, if they did not observe, the *Vicars* should incur a Mult of thirty; and the *Consulares* and *Præfatus*, of twenty pounds of Gold; and their Offices forfeit as much: Neither should the *Civiles* (who were also to look to the Palaces) go unpunished. Such as were so bold, as to make use of the Houses; if they were of Quality, and had Estates, were to be fined in twenty five pounds of Gold: If they had mean Fortunes, then, to be banished. And, if they themselves came not there; to be sure, their Houses were not to come near his Stables. Thus we see, that throughout the Provinces, both in Cities and Mansions, the Emperors had Palaces; and that, upon the *Roman* High Ways, for their convenience of visiting the several Countries. In the Eastern Empire, where this Law was made; besides those of *Constantinople*, there was that of *Antioch*; and one at *Daphne*, in that pleasant Wood; besides another at *Heraclæa*; in *Thrace*. In the West; the Emperor had one here at *Tork*, of which, History makes mention; where was also, a *Prætorium*, and a Temple of *Bellona*. There

A. D.

406.

L. 6. de Appi-  
lat. de Cod. Theod.  
tit. 1. de Jus.  
tit. 1. de Jus.  
tit. 1. de Jus.L. 1. 34. de min-  
us. Cod. Theod. tit.  
tit. 33. de Jus.  
tit. 1. de Jus.  
tit. 1. de Jus.L. 1. de qui in  
Palatium man-  
ent. Cod. Theod. tit.  
tit. 1. de Jus.  
tit. 1. de Jus.Vide Gualt. C. 1.  
tit. 1.

Sect. 2.

was one at *Milan*, another at *Narbon*, and a third at *Triers*; besides one at *Potobio*, in *Noricum*. This Law is directed to *Anthemius*, who, from *Magister Officiorum* was advanced, this Year, both to be *Consul* and *Præfatus Prætorio*; in which Office he continued many Years: a Man generally beloved for his Abilities, and great Services performed to the State; as we may see hereafter.

Great Disorders in his Court, according to Zosimus.

A Fire in Constantinople.

The Hæri make Depredations.

A. D.  
406.

vide Prolegomena Cod. Theod. a p. 800.

medicinal aliquod ad ætatem ipsorum. Scilicet, Novissimus. Ceterum, aliter videtur. Ceterum, aliter videtur. Ceterum, aliter videtur.

Sect. 2.

in those days, and the ill effects thereof. Concerning what he saith of Calumniators, and begging of Estates, we find a Law, made this Year, about the same Subject; but, with design to oppose the practice, which, possibly, now was grown too high and intolerable, that the Peace might have been endangered, if some sort had not been put unto it. But, hereby confirming a Sanction of the famous Prince *Constantine*, as he calls him, He forbids that any Accusers be heard, or that any beg such Possessions as now are in private hands; and belonged, either to the Patrimony, to the Commonwealth, or to the Temples: and this, under pain of being punished as Sacrilegious Persons. From the time of *Constantine*, these several sorts of Lands had been given and sold by Princes, and seized also sometimes without publick Authority.

How Natural Children to be provided for.

How Appeals from Arbitrators to be managed.

Honorius removes Abuses in Shipping.

In the Collections of the Revenue.

18. There was a Controversie at this time concerning the Provision that was to be made for Bastards or Natural Children; some leaving them so much, that having Legitimate Sons or Daughters besides, they carried away from them, often, a great part of their Inheritance. To give Rule herein, he ordained, by a Rescript directed to *Anthemius*, the *Præfatus*; that, He who had a Mother, or Legitimate Children or Grand-children, one or more, should not leave above a twelfth part of his Estate to his Natural Children, and their Mother; or half so much to his Concubine, by which he had no Children. The *Præfatus Prætorio* having to much business, in these times, upon their hands, besides the ordinary Governors of Provinces, were wont to assign Judges and Arbitrators, for hearing certain Causes, and taking up some Differences; from which Judges and Arbitrators, Appeal lay again to them the *Præfatus*. But, it was questioned, what time should be allowed, both for the interposing, and repairing thereof? In Answer to which, *Arcadius* now told *Anthemius*, herein concerned, that, If these Judges were present in the City, or some Neighbouring Province; that then the Parties should have two months to prosecute, and thirty days to repair their Appeals: But if they were in remote Provinces, six months should be allowed for the one, and three for the other; as the custom was, of Appeals from the Governors of Provinces.

19. The year following, or the CCCCVI of our Lord, had *Arcadius Augustus* the sixth time, and *Anicius Probus*, for *Consuls*. *Longinianus*; this Year, was *Præfatus Prætorio* of *Italy*; to whom, some Edicts we find directed, under this Title; though he had, some years before, been *Comes S. Largitionum*; as appears, both from the Code of *Theodosius*, and the Epistles written to him from *Symmachus*. The first thing we meet with, given him in charge, after his Promotion, was, to remove an Abuse in Shipping; which *Arcadius*, six years before, had endeavoured to reform in *Egypt*. For *Honorius* tells him, that Many persons in these days, thought to defend their Vessels by the Names and Titles of divers Persons: To obviate which Fraud, he commands; that, If any, to avoid the publick Necessity, shall presume to affix such a Title; the Ship, or Vessel on which it is affixed, shall be confiscated. For, as he doth not hinder, he saith, private persons from having Vessels; for he will not permit any fraudulent practices: For as much as it is fitting, that, if Necessity urge, all, in common, contribute to the publick Utility; and, to the Transportation (of Corn and Provision he means) without any Privilege of Dignity. In conclusion, he gives order, that, if this Abuse be not removed in thirty days, all such Ships shall be taken from their Owners. Though the City of *Rome* flood in as much need as *Constantinople*, to have a certain method of bringing Provisions; yet, *Honorius* was more mild than his Brother, upon the like occasion; in, not only granting the space of thirty days, to retract what had been done amiss; but, in not inflicting punishment upon such Noble Men as granted such Protections; by giving leave to make use of their Names in discourse, or affixing them on the Ships themselves: for, in old time, it was the custom to fix these Titles, not only, to Possessions on Lands; but also, to those that floated on the Water; besides the Sign, or ordinary Badge, which, sometimes was *Castor* and *Pollux*; as we learn from that wherein *St. Paul* failed. But, this Emperor had made so many severe Laws, concerning this matter, against the *Nevelicarii*, and others; that, as to this point, he might be excused, or for other reasons, well known to those upon the place. This was dated from *Ravenna*, where *Honorius* made his Abode this year; and whence, about a month after, he gave fresh Orders to the same *Longinianus*, to call to Account the Collectors of the Revenue; against whom he had received Information, that several who had been employed in the Provinces for the last five years, had nothing at all contributed,

A. D.  
406.

L. 24. de Testibus. l. 1. de Testibus. l. 1. de Testibus. l. 1. de Testibus.

L. 24. de Testibus. l. 1. de Testibus. l. 1. de Testibus. l. 1. de Testibus.

L. 24. de Testibus. l. 1. de Testibus. l. 1. de Testibus. l. 1. de Testibus.

A. D.  
406.

Arcadius A. D. 406.

Antist. xxi. l. 1. de Testibus. l. 1. de Testibus. l. 1. de Testibus.

L. 1. de Testibus. l. 1. de Testibus. l. 1. de Testibus. l. 1. de Testibus.



Sec. 2. be repaired, it may be free to remove any Image of himself, or his Predecessors, without consulting him; so it be done with reverence, and the Statue again replaced, as it was before, after the finishing of the Work. Further, to promote the rebuilding of the publick places, and to prevent Fires for the time to come; He prohibited Out-shots and Terraces; commanded the Stairs, leading to the *Porticus*, to be made larger, and of Stone; that no private Buildings should lean upon the publick, but be distant from them fifteen Feet; upon pain of having them demolished, if any should afterward be found to have raised them within that compass.

A. D.

406.

L. 45. 46. c. 1. *Justin.*

A Grievance arising from the Estates of the Emperor's Daughters, removed.

24. At the end of the year, complaint was brought, that the Country, in several places was oppressed; by reason, that the Farmers, and Managers of the Land belonging to the Emperors Daughters, pleaded privilege more than they ought to do, from several burthens; which therefore, lay heavier upon the backs of their Neighbours. For, we must know that, not only the Domain, or Patrimony of the Prince himself; but also, the Houles and Lands belonging to his Children, ordinarily excused their Occupiers from Taxes and Tributes; and, under pretence hereof many escaped scotfree, who ought to have contributed their Shares to the publick Service. To avoid this Inconvenience, he commands *Anthemius*; that in all Provinces, where his most Noble Daughters have Houles or Estates; the number, or quantity, of their Lands shall be entered and registred before the Governors, in the presence of the *Consules* and principal *Decuriones*; who, at their peril, are to see to the equal distribution of the Tax: and shall receive Breives, or Terriers of these Lands: and, by comparing them with their Books of Taxes, make a Judgment, what, and what not, are to be excused. By this Law we see what Immunities the Imperial Families enjoyed; which they in *France*, draw into example; even, as to the Officers belonging to that King's Children, and the Queen Mother, or Dowager there.

A. D.

407.

Honorio, 7.  
Theodosio, 2. A. A. Conf.

25. In the year CCCCXVII. *Honorius Augustus* the seventh, and *Theodosius Augustus* the second time, bore the Title of *Consul*. *Arcadius* had his Residence this year at *Constantinople*; and *Honorius* was at *Rome*. Enquiring now, for Materials to compose our Intelligence, and taking a survey of the Provinces; we find a sort of Inmates in *Gall*; some that made bold to enter, without asking leave of the right Inhabitants. One *Godigisil*, King of the *Vandals*, who inhabited the part of *Syria*, lying upon the Lake of *Mæotis*, being provoked by the Example of *Radagaisus*; when he knew that he gave *Honorius* enough to do in *Italy*, resolved to invade *Gall*; which he thought more easily to subdue than that, because of the awe and encouragement of the Emperor's presence in it. Departing out of *Syria*, with his *Vandals* and *Alans*; out of *Sarmatia* he took some of the *Quadi*, and other *Pandals*, which had there been placed by *Constantine*: Then, passing the *Danube*, he entered *Germany*; and thence, either by fear, or hope of Booty, excited several people to join with him; as, the *Marcomans*, *Hervuli*, *Turingi*, *Suevi*, *Alamanni*, *Saxons* and *Burgundians*: With whom he halted to the *Rhine*. There the *Franks* made some opposition; either out of a fence of the Faith they had given to *Stilicho*, by virtue of a late League and Alliance; or, for that they were unwilling, that Province, of which they hoped to be Masters themselves, should be over-run by so numerous an Enemy. But they, being overpowered by numbers, were forced to forbear: And so *Godigisil*, with his *Vandals*, passed over into *Gall*, the last day of the last year; or, on the Eve of that New Years Day, wherein *Honorius* the seventh, and his Nephew *Theodosius* the second time, took the Ensigns of the Consulship. They presently fell upon the adjoining Countries, and miserably wasted them; viz. *Germania Prima*, and *Belgica Secunda*; and, notwithstanding whatever the Officers of *Honorius* could attempt, proceeded in their barbarous fury. *Mogontiacum*, or *Mentz*, they rased; many thousands of the Inhabitants being murdered in the Church: And *Rheims*, *Amiens*, *Tournay*, and other Cities, fared very little better; being rased, and other ways used, at pleasure. *Orosius* writes, that these Nations of *Alans*, *Suevi* and *Pandals*, with many others, being excited by *Stilicho*, defeated the *Franks*, passed the *Rhine*, invaded *Gall*; and, with a direct and violent Course, pierced as far as the *Pyreneans*: By which being stopped in their Career, they poured themselves back upon the Neighbouring Provinces.

Proper. uidi St.  
genium, ad b.  
de.

Lib. 7. c. 40.

26. While they in this manner raged up and down the Provinces of *Gall*, in *Britain*, he adds, one *Gratian*, a *Municipal* of the Country, was made Tyrant of the Island; and shortly after slain. In his room one *Constantine* from the mean-

Sec. 2.

eft Employment in the Army was placed; being chosen meerly for the hope of his name, without the least merit; who presently after his usurpation passed over into *Gall*. The truth is, the *Roman* Empire now decaying, and Barbarous Nations roving every where up and down throughout the Continent, the Armies in this Island fearing, for all the water that flowed betwixt them, that the flame of their Neighbours burning Houles might reach over, and take hold of their Habitations; that they might have some General, or Sovereign Commander, if need were, to repel the *Barbarians*, betook themselves to the election of Emperours. First, they placed one *Mark* in the Imperial Seat; and him for a time they obeyed, as in those parts having the chief Command. But afterward having made him away, because he did not in his conduct of Affairs, answer their expectations; they set up one *Gratian*, a Countryman of their own; they crowned him, invested him with an Imperial Robe; and dutifully attended upon him as their Prince: yet upon a dislike, at the end of four Months, they deprived him also of this his Empire; took away his life, and made over the Sovereignty to one *Constantine*, a Soldier of the meanest condition, only because his name imported, as they thought, prosperity and all good success. For they conceived hope, that he by that fortunate name would constantly and fortunately govern the Empire, and overcome all its Enemies, as *Constantine* the Great had done, who in *Britain* had been advanced to the Imperial Dignity. This *Constantine* passing over into *Gall*, carried over with him the Flower of the *British* Youth, and so utterly exhausted that remainder of Military Force which had been left by *Maximus*, in the Island; which now enervated of its strength, fell into such inconveniences, as in a small time procured the Destruction of the Inhabitants it then nourished; which it changed for other Lords.

Constantine set  
up for Empe-  
rour here, in  
Britain.

A. D.

407.

Zosimus lib. 6.  
ad initium, p.  
824.

27. *Constantine* putting to Sea from *Britain*, made *Fulfinian* and *Nevoegasus* Commanders over the *Celtic* Soldiers; and taking easily the City of *Bologne*, as easily induced the *Roman* Forces in all Countries, to join with him. In the mean time the *Vandals*, at a farther distance, wasted the parts that lay upon the *Rhine*; the violence of whom *Zimenius* the *Præfectus Prætorio* and *Cariobaudes* the *Magister Militum* not able to sustain, at least to they imagining, fled into *Italy*, and found *Honorius* at *Rome*, whither *Stilicho* also about this time went to consult him. For, as *Zosimus* tells the Story, *Stilicho* having found that the Ministers of *Arcadius* were his great Enemies, and bent to do him mischief, purposed to send *Alarich* into the Bowels of that part of the Empire, and draw over to *Honorius* the Cities of *Ilyricum*. For this purpose he made an agreement with *Alarich*, who expected when notice should be given him to make it good; but *Stilicho* was diverted by the invasion that *Radagaisus* made into *Italy*. Having defeated the *Barbarians*, he returned with great reputation to *Ravenna*, the Metropolis of *Flaminia*, this Writer tells us, an ancient City and Colony of the *Thessalians*, being called *Rhene*, because flown about with water, and not because it was built by *Remas* the Brother of *Romulus*; for affirming which, he taxeth *Olympiodorus* the *Theban*, a Pagan Historian also of this time, who began his History with this very Confulship, and extended it to the CCCCXXIV Year of our Lord. At *Ravenna*, *Stilicho* was ready in a short time with an Army to invade *Ilyricum*; and, by the assistance of *A. Larich*, to take Cities from the Dominion of *Arcadius*, and annex them to that of *Honorius*; when the Design was thwarted by two Impediments. For News was brought that *Alarich* was dead; and Letters arrived from *Rome*, sent from *Honorius*; whereby he was informed concerning the usurpation of *Constantine* in *Britain*, and his passing over into the parts of *Gall*. The rumour of *Alarich* his death was counted to be very uncertain; and the report of such as came afterward, and told how things stood, confirmed it to be. But that concerning the promotion of *Constantine* found credit, and obliged *Stilicho* to defer his Expedition into *Ilyricum*; and go to *Rome* to advise what was best to be done.

His usurpation  
diverts Stilicho  
from Ilyricum.

The Honorati  
commanded  
to furnish out  
Soldiers.

28. To what War or Expedition soever it related, the *Honorati* were lately commanded to furnish out Soldiers; and amongst the rest, the Tribunes and Officers of the Army, though through their own merit and industry they had obtained their preferments, were called on as well as the rest. This seeming unreasonable, *Constantine* directed his Edict to *Stilicho*, by the Title of *Comes* and *Magister Militum*; whereby he required, that a Distinction should be made betwixt such as had risen by their merits, and such as had obtained the titular Honours of *Tribunes* and *Præfects*; by way of Codicils or Letters; allowing the former for the privilege of being exempt from finding *Tirones*, as well in reference to the Tax lately

L. 18. de *Tiro-  
nikod. de *Tri-  
butio de *Tri-  
bus et *Præ-  
fectis* by way of Codicils or Letters; allowing the former for the privilege of being exempt from finding *Tirones*, as well in reference to the Tax lately***

Sec. 2. lately made, as such occasions for the time to come; with this further order, "that the *Comites* or *Duces Militum* should take nothing of them at their promotions; it being otherwise a part of the profit of great Officers to receive Fees from such as were advanced in the Army." This could not but be seasonable to encourage Military Men at this time, when there was need of them; as also, perhaps it was to gratify the *Decurii* of *Rome*, by confirming whatever privileges had been formerly granted them from himself, or his Predecessors, by a Rescript inscribed to *Christus* the *Præfectus Prætorio* of *Italy*. But as he had reason to encourage deserving persons, there was as great reason he should not be too lavish in a time of so great expence; much less be imposed upon, and cheated in his Largeesses. Former Princes had ordained, that all Petitions should be void, which were put up for any abatement of Taxes, or other immunities relating to the Revenue, except they were drawn and ordered by the *Palatine* Officers belonging to the *Comes S. L.* or High Treasurer. The reason was, because these Officers having the management of such matters in their hands could instruct the Emperor, and inform, if any fraud concerning number of Acres, or other things, was obtruded upon him. To add further vigour to these Laws; whereas the punishment formerly of such Petitioners as did not have recourse to these Officers, and frame their business after this method; was loss of the third part of the worth of what they petitioned for, he finds reason to change it from three to four.

Arcadius kind  
to those about  
him.

29. Arcadius in the East had no such occasion to oblige his Military Men; or to look to the exactness of his Incomes; the Western Provinces being now become the Seats of War; and *Italy* it self the great Cockpit whither the Gamesters for the most part directed their courtes, to contend for the Mastery. But he was pleased to be kind to those about him, or that served him in his Palace; in that, whereas ten years ago he had given immunity from the Prætorship, or exhibiting of Games, to such as after having laudably served their time in the Army, had been raised to the Dignity of *Duces Rei Militaris*, he now thought fit to grant the same Immunity to his *Proximi* of the *Servitia*, if they had already discharged their Employments. And he found reason to vindicate the Rights and Privileges of the *Cohortales*, or such as served the Governors of the Provinces; finding much about the same time, that it was the practice of some *Curiales* or others, to pretend to be of their number, though they were never entered in their Roll, nor, by any duty they performed, had any right to their Privileges and Allowances. By these tricks sometimes they stepped into these preferments, which were only belonging to them that underwent the burthen; and the publick service was ill discharged, these persons not being obnoxious to examination by torture, as the *Cohortales* were, being merely *Conditionales*, or obnoxious to this kind of censure, as were amongst them the *Chartularii*, *Tabularii* and *Exceptores*. To prevent this, he forbids, that any be admitted, for the time to come, to execute matters belonging to these Men, if they were not first matriculated, or entered in the Roll; but for such as at present did it, he commands that they be detained: Nay, though by any Rescript directed to any of the inferior Judges, they were discharged from the obligation, he orders, that they be drawn back; such only being to be excused, as were freed by any Order sent to the *Præfectus Prætorio* himself; whose Prærogative, as in other things, so in this was the more remarkable. At the latter end of the Year he found reason to abate the rigour of the Law made two years before against the Ordinary Judges (*Consulares* and *Præfides*) their making use of his Palaces. They had indeed *Prætorii*, or Houses destined peculiarly to their service; but they were ordinarily built in Cities or Towns that stood upon the publick Roman way. But they had often occasion to travel through the Countries and Villages where none of these ways lay, neither had they any *Prætorii* near. This put them to great inconveniences for want of Accommodation: and to redress them, Arcadius now tells *Anthemius* the *Præfect*, that in such places they shall have liberty, notwithstanding the late Law, to make some stay in his Palaces, as their business requires.

Arcadius the  
Emperor  
dies.

30. *Bassus* and *Philippus* were *Consuls* for the Year that next followed, or the CCCCXVIII of our Lord, which was the last of Arcadius the Emperor, who died, as they say, that speak most probably, on the first of May. By his Wife *Eudoxia*, the Daughter of *Bauto* the *Frank*, as *Philostorgius* writes, and who died some two years before him, he left five Children, which were his Son *Theodosius*, and four Daughters, *Pulcheria*, *Placidia*, *Arcadia* and *Marina*. He died in the flower of his Age, whereof he had not yet completed the thirty first year; having

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L. 4. de Decurii  
cod. Th. l. 1. c. 7.  
Id. Apr. Aug. a  
Cod. Just.

L. 4. de Immuni-  
tate congl.  
cod. Th. l. 1. c. 1.  
Th. 1. 1.  
Palatine literis  
viri illustri.  
con. S. L. 3. id.  
Id. Apr. a  
Cod. Just.

L. 13. de Proxi-  
mi, &c. Cod.  
Th. l. 2. c. 1.  
Fov. Aug. a  
Cod. Just.

L. 30. de Cohor-  
tali, Cod. Th. 1.  
Id. Cod. Just.  
cod. Th. l. 1. c. 1.  
Id. Apr.

L. 2. de No qui in  
Palatii moun-  
tibus, Cod. Th. 1.  
Id. Cod. Just.  
Id. Apr. a  
Cod. Just.

A. D.

408.

Bassus &amp; Phi-

lippo Cons.

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How held  
his Son.

Some Laws  
uncertain in  
their Date  
made before  
Arcadius his  
Death.

Anthemius and  
Troilus set  
themselves  
to the reforming  
of matters.

Receive all  
complaints  
and redress  
the Officers  
belonging to  
the Treasury.

L. 4. de No qui in  
Palatii moun-  
tibus, Cod. Th. 1.  
Id. Cod. Just.  
Id. Apr. a  
Cod. Just.

L. 4. de No qui in  
Palatii moun-  
tibus, Cod. Th. 1.  
Id. Cod. Just.  
Id. Apr. a  
Cod. Just.

L. 4. de No qui in  
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tibus, Cod. Th. 1.  
Id. Cod. Just.  
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L. 4. de No qui in  
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tibus, Cod. Th. 1.  
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L. 4. de No qui in  
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L. 4. de No qui in  
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L. 4. de No qui in  
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Cod. Just.

L. 4. de No qui in  
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tibus, Cod. Th. 1.  
Id. Cod. Just.  
Id. Apr. a  
Cod. Just.

L. 4. de No qui in  
Palatii moun-  
tibus, Cod. Th. 1.  
Id. Cod. Just.  
Id. Apr. a  
Cod. Just.

reigned together with his Father twelve, and after his death thirteen, three Months, and fifteen days. Leaving his Son so exceeding young, and believing his Brother *Honorius* to bear him no great kindness; for fear he should be wronged, he left him to the Tuition and Protection of *Flaverges*, the King of *Persia*, with whom he had entered into a strict League and Alliance for an hundred years. He undertook it sincerely, and discharged it as faithfully, sending in his room to *Constantinople* one *Antiochus*, a most prudent Man, whom some will have to have been sent also Ambassadour to *Honorius*, to procure peace and good understanding betwixt him and his Nephew. Some write also, that *Honorius*, moved with commiseration toward the Child, determined to hasten to *Constantinople*, there to take order for his safety and authority; but was hindered by the usurpation of *Constantine*: and afterward having intention to send *Stilicho*, the discovery of his treasonable Designs, prevented that. But however *Antiochus* managed matters in the room of *Flaverges*: the great Pillar of the Eastern Empire, doubtless, was *Anthemius*, the *Præfectus Prætorio*, who, as *Socrates* tells us, was the main Man that stood by the young Emperor in his Government. He writes, that he compassed *Constantinople* with a strong Wall; that he seemed, and was in reality, one of the wisest of that Age: that he never enterprised any thing without good advisement, conferring still with some of his Friends, concerning the business he went about; but above all others, made use of the advice of *Troilus* the Sophist, a Man very wise also, and of great experience. But *Pulcheria*, the eldest Sister of the Emperor, though at her Father's death said to be not ten years old, yet growing up to riper years, sustained a great share of the care and troubles of the Empire, of whole prudence, piety, and other virtues, very much is said.

31. There are some Laws extant, bearing date from *Constantinople* before the death of *Arcadius*, and yet having not his name prefixed; but only those of his Brother and Son. Either in the Date or Inscription, there is some error; but however, they were made either not long before, or not long after his death. One of them is to provide for the Necessities of *Illyricum*, as it terms them, in order to which it requires, that no privilege be pretended to excuse any person from the building of Walls, and the finding and conveyance of Provisions. This must have relation to the attempts made by *Stilicho* this year, against the Cities of *Illyricum*, of which we shall shortly hear more from *Zosimus*, who would have us believe, that his aim was only to increase the Dominions of his Master *Honorius*; whereas other Writers make it a design, of conferring the Empire upon *Eucherius* his Son. This Edict is inscribed to *Heraclius* the *Præfectus Prætorio* of *Illyricum*, whose District was now in danger. And about the same time, that of *Anthemius* the *Præfect* of the *East*, was not in good repose. For, now did the *Isauri*, those ancient Thieves (the place of whose Habitation being so convenient for harbouring of Robbers, required as much Guard upon it, as did a Limit or Border of the Empire) renew their Depredations upon the Neighbouring Countries. Toward the end of April, a Rescript was directed to *Anthemius*, whereby he was enjoined to give notice to the Judges of the Provinces, (as of *Sauria*, *Pamphylia*, *Cilicia*, *Lycania*, and *Pisidia*) that they should not forbear the examination by torture, of these Thieves, not on any day in Lent, nor not of Easter; that the discovery of their wicked designs, might not be deferred; it being easie to be hoped that God Almighty would not be angry for doing that, by which the safety and preservation of many persons would be procured.

32. Whether these Laws were made before or after the death of *Arcadius* is uncertain; but he being gone, certain it is, that *Anthemius* and *Troilus* applied themselves to the management of publick Affairs, and reforming such things as had been out of order, during his Government. One of these, the neglecting or discouraging of Messengers from the Provinces, seems to have been; though *Synesius* in his Epistle to him concerning such grievances as pressed most upon the Empire, desired him to be free and easie in admitting the complaints of the People. That they defired his Son should so be, now appears from an Edict directed to *Anthemius* this Year; whereby he is commanded to receive, all such complaints and requests; to enter them in his Office, and then make report to the Emperor of what is worthy his consideration, who promitteth all necessary remedies for the ease of those that were aggrieved. One complaint there was, that the *Agentes in Rebus*, and the *Palatine* Officers, belonging to both the High Treasurers, who were wont to be sent into the Provinces, to urge the collection of Tributes, were found to exact or gather the Money themselves; which because of their influence and ava-

B<sup>6</sup> b b. rica

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408.

L. ult. de  
rem. Consti-  
t. Cod. Th. l. 1. c. 1.  
Id. Apr. a  
Cod. Just.

L. ult. de qui-  
buslibet, Cod. Th. l. 1. c. 1.  
Id. Apr. a  
Cod. Just.

L. 4. de No qui in  
Palatii moun-  
tibus, Cod. Th. 1.  
Id. Cod. Just.  
Id. Apr. a  
Cod. Just.



## Sect. 2.

rice much to the disturbance and oppression of the People; especially of the Province of *Achaia*: *Anthemius* is ordered to take care, that for the time to come, there be no more practised; but that these Men only urge the Governours of Provinces, by often repairing to them, and their Officers, to the Collection. If a Governor, either to be rid of their importunity, or for any other reason, permit them to levy the Tributes, the Law imposes a Mult of twenty pounds of Gold, both upon him, and upon his Office.

Honorius en-  
discours to  
reform several  
Abuses at  
Rome.

Gall miserably  
wasted by the  
Vandals.

Cæsar's  
prosperity there

33. *Honorius* this year, for some time, was at *Rome*; whence afterward he removed to *Bononia* and *Ticinum*; and, at length, by *Milan*, to *Ravenna*. While at *Rome* he took care to gratify the Citizens by providing better for their subsistence, and confirming the Privileges granted to their several Bodies. Observing also that Judges were often drawn aside by the awe of the *Honorati*, or great persons; who, when they had causes to be tried, would come into Court, and sit with the Judges; he now prohibited, that they should be admitted to sit with them, when the merits of their causes were dispatching; as also, that any whole Suits were depending, should visit them at Noon time. If any should offend in this kind, he inflicts a Fine of five pounds of Gold upon the Judge, as much upon his Office, and as much upon any of the *Honorati*, so offending. The latter part of this Law is but agreeable to what had been formerly ordained by *Valens*, *Gratian* and *Valentinian*, against visiting of the Ordinary Judge, in the Afternoons; and *Cicilianus* observes, that it had been also provided by *Augustus* in the *Fulian* Laws, concerning Judicature (by *Macrobii* called Edicts,) that neither the Defendant nor Accuser should enter the House of the Judge: moreover, by the same Laws, a Judge was prohibited to come into the Houses of other persons; as under *Tiberius* a *Senatusconsultum* was made, that Senators should not set their Feet within the Houses of the *Pantomimi*; and another under *Claudius*, which forbade Soldiers to enter the dwellings of Senators under pretence of saluting them; such diversity is there in the state and condition of times, according to which, Legislators are to take their measures.

34. But, while *Honorius* lay at *Rome*, the Provinces of *Gall* were miserably afflicted by the *Vandals*, who passing out of *Belgica* into *Aquitain*, wasted all the Country, together with those of *Novempopulania*, *Lyons* and *Narbon*. Now it was, that, as *S. Hierom* writes, innumerable and most savage Nations, had seized upon all *Gall*; that all the Tract lying betwixt the *Alpes*, and the *Pyreneans*, the Ocean, and the River *Rhose*, was wasted by the *Quadi*, *Vandals*, *Sarmatians*, *Alani*, *Gepedes*, *Hervuli*, *Saxons*, *Burgundians* and *Pannonians*. *Maguntiacum*, now *Mentz*, in times past a noble City, saith he, is taken and destroyed; many thousands of Men having been killed in the Church: those of the strong City of *Rheims*, *Amiens*, *Arras*, the Country of the *Morini*, *Tournay*, *Nemetes* and *Argentoratus* (or *Strasbourg*) are translated into *Germany*. The Provinces of *Aquitain*, *Novempopulania*, of *Lyons* and *Narbon* are over-run, a few Cities excepted, and they are vexed, without by the Sword, and within by Famine. I cannot without tears, make mention of *Tolouse*, which hath hitherto been preserved from Ruine, by the merits of holy *Exuperius* the Bishop. *Spain* it self, as about to perish daily, trembles, calling to mind the Irruption of the *Cimbri*, and other such dismal Stories. *Constantine* the Tyrant, at the same time endeavoured to establish himself as Lord, of what these *Barbarians* left behind them. To interrupt him in his endeavours, one *Sarus* was sent by *Stilicho*, with an Army; who meeting with *Fustinian*, killed him with the greatest part of his Forces; and having got very much booty, when he heard that *Constantine* had removed himself to *Valentia*, a City he thought very proper for his defence, he there resolved to besiege him. *Nevoisakes* the other Commander, he treated with, and kindly received him; but afterward slew him, though he had given him faith to the contrary. Into their places *Constantine* promoted *Edobechus* a *Frank*, and *Gerontius* born in *Britain*; the skill and valour of which persons were so well known to *Sarus*, that for fear of them, he rose up and departed from *Valentia*, after he had besieged it seven days. They pursued him, and that with such vigour and execution, that with much labour he hardly escaped to the *Alpes*, where he gave up all his Booty to the *Bacande*, who there met him, to suffer him to have free passage into *Italy*. He being removed, *Constantine* gathered together all his Forces, and resolved to fortify the *Alpes*, which lay in the way betwixt *Italy* and *Gallia Celtica*, being three in number, and known by the Names of *Cotica*, *Pocinica*, and *Maritima*. This he did, and also fortified the *Rhine*, to provide as well against the Influx of the *Barbarians*, as of the *Romans*; though

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408.

L. 1. de Exce-  
dionibus, de  
Th. & L. de Co-  
muni legatione  
Cod. J. de  
7. id. Duench.

L. 2. de San-  
ctis  
Cod. Th.

L. 1. de  
officiis Judicum  
Civilium Cod.  
Th. 1. de  
Cod. J. de  
Cod. Th. de  
Jungia. De  
Jungia.

Officiis, lib. 5.

34.

Stilicho lib. 6.  
84.

## Sect. 2.

*Zosimus* writes, that he fortified the *Alpes* to keep the Barbarous Nations out of *Gall*; as if they had come out of *Italy*, and were not in the heart of *Gall* already. And he hints, as truly, that, since the time of his dear *Julian*, the *Rhine*, or the Limit thereof, had, till now, been neglected.

He gives the  
Title of Cæsar  
to his Son Cæ-  
sarius.

Who in *Spain*,  
deposes the  
Kingdom of  
*Honorius*.

May being  
dead, *Honorius*  
marries *Theo-  
dantia*.

A. 1. de  
matri-  
monio West-  
ward.

*Stilicho* and  
his Party for  
Peace.

Why.

35. Having taken such order for his Affairs in *Gall*, he adjoined *Constantius*, his eldest Son (who had been a Monk; and, as our *British* Writers say, in the Monastery at *Winchester*) with the Title and Habit of *Cæsar*, and sent him into *Spain*, all the Nations whereof, he was ambitious to bring into subjection; both to augment his own Dominion, and to remove the power, which the Kindred of *Honorius* had in that Country: whence he feared they might set upon him from beyond the *Pyreneans*, at such time as the Emperor might send another Army over the *Alpes*; and so, overpower, and suppress him. *Constantius*, with one *Trojanus*, his General, and *Apollinaris*, his *Præfectus Pretorio*, passed over into *Spain*, furnished and attended sufficiently; and let himself against such as he there found of the Kindred of *Theodosius*, who (as *Zosimus* cannot forbear to vent his malice against that Prince) disturbed the Affairs of their Native Country. They made use of the Soldiers belonging to *Lusitania*, or *Portugal*: And when with them they could not prevail, got together a multitude of Slaves and Husband-men; and so managed their matters, that they were in a fair way to succeed, and make an end of *Constantius*. But, for all this, the Tide turned; and, instead of making him a Prisoner, they and their Wives were taken by him, and committed to custody: their names being *Perennius* and *Didymus*. They had two Brothers, *Theodosius* and *Lagadius*; who, upon notice of it, fled, and made their escape, the one into *Italy*, and the other into the East. They themselves were carried away by *Constantius*; who (after he had committed the care of the *Pyreneans* to *Gerontius*, to be kept with a Guard of *Galls*; though the *Spanish* Army desired to have the Charge) returned to his Father, and presented them to his View; who instantly commanded them to be put to death.

36. Thus went matters in *Gall* and *Spain*; when, in the mean time, the Emperor *Honorius*, having lost *Mary*, his Wife, the eldest Daughter of *Stilicho*; desired, that *Theodantia*, his younger Sister, might be given him in Marriage. *Stilicho* seemed to be averse to it: But his Wife *Serena* urged him to it, upon this Account. When *Honorius* contracted Marriage first, with *Mary*, her Mother knowing that she was not ripe for his Bed; and yet, not able to prevent or defer the Wedding: concluding also, that it was to offer violence to Nature, to have her Virginity taken from her; used the Art of a certain Woman, skilled in such goodly Mysteries: and, by her endeavours brought it to pass, that the Girl lived, and lay with the Emperor; but he neither had any Will, or Power, to enjoy her. Sometime, the thus lived and died a Virgin: But, after her death, her Mother, desiring to have some issue by *Honorius*; that she might not be deprived of that great power and place which she enjoyed, used her endeavours to marry him to her second Daughter: Which being done, she died also not long after; the same thing having happened to her, as to the former. While this was transacting, News was brought to *Stilicho*; that *Marich*, having quitted *Epirus*, and passed the Straits lying betwixt *Pannonia* and *Ænetia*, had encamped himself at a Town called *Æmon*; built, as *Zosimus* tells you, by the *Argonauts*, between the upper *Pannonia* and *Noricum*. From *Æmon* he removed, and passed the River *Aquili*, as also, the *Apennine* Mountains; which closing up *Pannonia*, afford very difficult passage to such as travel to *Noricum*; these Straits being easy to be kept by a few Men, against a great multitude, which would force their way. Having passed these Straits, from *Noricum* he sent Messengers to *Stilicho*, to demand Money, both for the delay he had made in *Epirus*, and also, for this his Expedition, which, thereupon he was forced to undertake. *Stilicho* left the Messengers at *Ravenna*, and went to *Rome*, to consult the Emperor and Senate, what was to be done in this Affair. The Senate being assembled in the Palace, and the Question put, whether War should not be made? very many gave their Voices in the Affirmative: Only, *Stilicho*, and a few besides, who, by fear, were brought to be of his Party, were of the contrary opinion; and advised to make Peace with *Marich*.

37. They that preferred War, desired *Stilicho* to shew his Reasons, why he was so much for Peace, which was to be bought with money too; to the disgrace of the Roman Majesty. He answered, because *Marich* had continued so long in *Epirus*, for the advantage of the Emperor; that, joining with himself, he might make War upon *Arcaudus*; and, taking *Illyricum* out of his hands, add it to the Dominion

A. D.

408.

*Zosimus*, lib. 5.  
p. 804.

B b b b 2 of

## SECT. 2.

The Senate  
resolves it.But Honorius  
refuses for  
Eutician.

of *Honorius*. This, he affirmed, would have come to pass, if his Expedition had not been hindered by the Letters of *Honorius*; in expectation whereof, *Marich* had confumed so much time. With this, he shewed them the Emperor's Letters, and laid the blame upon *Sereus*, her labouring to preserve Amity betwixt the two Princes. *Stilicho* seeming to speak nothing but Sense, the Senate was content, that four thousand pounds of Gold should be paid to *Marich*; and that, for Peace; though most contented, against their Judgments, merely for fear of *Stilicho*. And, *Lampadius*, a man of great Birth and Dignity, plainly told them; that, This was not a Peace, but a *Paction of Servitude*: For which liberty of speech, fearing he might lose that of his person, when the Senate was dismissed, he betook himself to the next Church of the Christians. *Stilicho*, having, by virtue of this *Senatus-Consultum*, made Peace with *Marich*, prepared all things for the Expedition, which he had designed: when the Emperor told him, he was resolved to go from *Rome*, to *Revenna*, to see and care for the Army, which was to grapple with so considerable an Enemy. And, this he said, not of himself, but was moved thereto by *Sereus*: She desiring he should be in a City of most safety; that, if *Marich* should break the Peace, he might not yet get the Emperor into his Power; whom she endeavoured to approve of, her safety depending upon that of his. However, *Stilicho* did nothing to approve of his Journey; and desired several ways, how to prevent it; which, not being effectual, he procured *Sereus*, the Captain of the *Barbarians*, that lay at *Revenna*, to make disturbance; not with any design of *Innovation*, but to frighten the Emperor, and divert him from his design. But, *Honorius*, not at all yielding to these Attempts; one *Fulvianus*, an Advocate of great note, whom *Stilicho* had made choice of for his Affessor and Councillor; being a man of excellent Wit, smelt out the Emperor's design, by certain Tokens: And, knowing that the Troops which lay at *Ticinum*, or *Pavia*, bore ill will to *Stilicho*, guessed what would become of him, if the Emperor should repair thither. He ceased not therefore, still to desire him to prevent the Emperor's going. But, when he perceived, that *Honorius* would not hearken to what *Stilicho* said; fearing that, for their Familiarity sake, he might make shipwreck of his Fortune with him, he fairly left him, and went his way.

38. Before this, the News of the death of *Arcadius* was brought to *Rome*; and, after the departure of *Honorius* for *Revenna*, was confirmed. *Stilicho* being got to *Revenna*, and *Honorius* to *Bononia*, a City of *Æmilia*, seventy miles distant from *Revenna*; *Stilicho* was thither sent, to chastise and reduce the Soldiers into Order, who had mutined by the way. He, having called them together, and told them, how the Emperor's Command was, that they should not only be chastised, but every tenth man be taken out, and put to death; struck them with such terror, that they all fell a weeping; and drew him to such a Commiseration of their Condition, that he promised them pardon from the Prince. This *Honorius* ratified: and then they fell into a Consultation about the publick Affairs. *Stilicho* had a desire to go into the East; and to settle the Concernments of *Theodosius*, the young Son of *Arcadius*: who stood in need of Assistance; and *Honorius* himself thought of taking a Journey thither, to put the Affairs of his Nephew into good Order. *Stilicho*, having no mind to hear of this, by shewing him the vast Expence he must make in the Expedition, deterred him from his purpose. Besides, he urged, that it was highly necessary that he should not be much absent from *Italy*, nor *Rome* itself; because *Constantine*, the Usurper, had over-ran all *Gallia*, and had taken up his Station at *Arles*. And, yet farther he pressed, that *Marich* was also to be feared; who had a great Power of Men, was a *Barbarian*, and deceitful: who, if he found *Italy* naked, and destitute of Aid, would not fail, suddenly to invade it. In conclusion, he added, that the best way was to send *Marich* against the Tyrant, with part of the *Barbarians* he had with him, and the Officers belonging to the said Legions. And, that he himself should be, by the Emperor, dispatched away into the East, with Letters, containing the sum of what he would have there transacted.

Stilicho desires  
to be sent into  
the East.

Yet goes not.

39. *Honorius*, approving of all that was said by *Stilicho*, wrote Letters to the Emperor of the East, and to *Marich*; and departed from *Bononia*. But, as for *Stilicho*, he, notwithstanding, continued where he was; neither taking his Journey for the East, nor putting in Execution any thing that had been resolved. Neither did he remove those Soldiers that lay at *Ticinum*, or *Revenna*, nor any other place; lest, having opportunity of speaking with the Emperor, they should put him upon

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408.

## SECT. 2.

The Soldiers  
fall into a Mu-  
tiny.

upon attempting something against himself. Thus, *Stilicho*, being neither conscious of any unworthy things, designed, either against the Emperor, or the Army, behaved himself. But, there was one *Olympius*, born about the *Euxine* Sea; who had got a splendid Employment at Court; and, under the show and pretence of Christian Piety, covered great Wickedness; and, counterfeiting great Sobriety and Modesty, was wont to discourse much with the Emperor. He offered many things to beget prejudice in him against *Stilicho*; And, in particular, that he designed his Journey into the East for no other cause, but that, having taken *Theodosius* out of the way, by sending him to another World, he might transfer the Sovereignty of those parts, upon his Son *Eucherius*. This he insinuated upon the way, as he had time and convenience; And, when they were come to *Ticinum*; visiting there the sick and maimed Soldiers, he laid hold also on them by these Charms. Four days had but passed after his Arrival, when the Emperor called the Soldiers together, shewed himself to them, and incited them to the War against *Constantine*. Of *Stilicho*, yet, there was no mention, till *Olympius* openly beckoned to the Soldiers as it were, putting them in mind of what he had in private discoursed with them. Hereat they fell into a rage and madness, and killed *Lincentius*, who had been *Præfectus Prætorio* in the Parts beyond the *Alpes*; together with *Charibaudes*, a *Magister Militum*, also in those Quarters: Both whom, had made their Escape from the Tyrant; and were come to the Emperor, to *Ticinum*. After this, they put to death *Vincentinus*, who was *Magister Equitum*; and *Salvius*, the *Comes Domesticonum*: And afterward, when the Emperor was withdrawn, and the other Magistrates had made their Escape, they poured themselves into the City; and pulling them out of the Houses where they thought to conceal themselves, they slew them, and plundered the Town.

40. The mischief being grown to that height, that it seemed incurable, the Emperor, casting a little Coat about him, without his Robe, or his Diadem, ran amongst them; and, with great labour and pains, could hardly appease their fury. *Nemorius*, Master of the *Palatine* Ranks; *Patronius*, the *Comes Rei Private*; and *Salvius*, whose Office it was to dictate such matters as the Emperor ordered; whom after the time of *Constantine*, they called *Questor*; after they had escaped from the place of Mutiny, and thought they were now safe, were also slain; of whom, *Salvius*, though he hung at, and embraced the very feet of the Emperor, could not obtain his Life. The Uproar continuing till the Evening, the Emperor withdrew, lest they should attempt any thing against his own Person: and, in the mean time, they murdered *Longinianus*, who was *Præfectus Prætorio* of *Italy*. All these were Magistrates that perished by the madness of the Soldiers: but, of others who fell into their hands by chance, so great a multitude miscarried, as was not easy to be reckoned. The Report of the Sedition being brought to *Bononia*, where *Stilicho* was yet continued, did exceedingly perplex him. He called together the Officers of the Confederate *Barbarians*, and consulted with them what was to be done. It was unanimously resolved; that, if the Emperor was killed, of which there was a rumour; then, all the Confederates should fall upon the *Roman* Soldiers; and, by chastising them, keep the rest in order. But, if the Magistrates were only made away, and he were safe; then should the procurers of the Mutiny be punished. Yet, *Stilicho*, when he heard that *Honorius* was alive, and no violence offered to his Person, left off thoughts of going to chastise the Army, and resolved to remove to *Revenna*: for, he considered how numerous it was; he knew, the Inclinations of the Emperor toward himself were inconstant; and he thought it neither laudable in it self, nor safe, to set the *Barbarians* upon the *Roman* Soldiers. While he was anxious, and deliberated about these things, the Officers that he had consulted, endeavoured to persuade him to put in practice what they had resolved: But, when they could not accomplish it, they purposed to stay in their several Quarters, and expect what the Emperor would determine concerning him. But *Sereus*, who, in Strength and Dignity, excelled all the other *Barbarians*, caused his Men to kill all those of *Stilicho*'s Guard, who kept constant Watch about him: and broke into his Tent; where he was musing, what would be the Issue of these Difficulties.

41. *Stilicho*, finding, that the *Barbarians* which he had about him, differed all amongst themselves, went to *Revenna*; and advised such Cities, where the Wives and Children of the *Barbarians* dwelt, that they should not permit any of those Nations to come amongst them. But, *Olympius*, who now inclined the Emperor as he pleased, sent his Letters to the Soldiers that lay at *Revenna*; which commanded, that they should lay hold on him, and commit him to free Custody. He having

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Seçt. 2. ving notice thereof fled to a Church of the Christians, late at night; those that were with him arming themselves and their Slaves, and expecting what would be done. When it was day, the Soldiers entered the Church; and, in the presence of the Bishop, affirmed to *Stilicho*, upon Oath, that they had not received from the Emperor, any orders to kill him; but only to keep him safe. But when he was out of the Church, in their Hands, other Letters were brought by him that was sent with the former, wherein he was Adjudged to Death, for the Offences he had committed against the Common-Wealth. His Son *Eucherius* had now escaped and was fled toward *Rome*; but he himself was led to Death; which when the *Barbarians* that were near to him, his Servants and Friends seeing, were about to make resistance and Prevent, he deterred them from it in a manner, offered his Neck to the Sword; a Man the most modest of all others, who at that time enjoyed great Power and Authority. For though he had married the Daughter of *Theodosius* the Elder his Brother; and had been intrusted with the Empires of both *Theodosius* his Sons, and moreover had born the Office of a General, three and twenty Years, yet was he never found, for Money, to have advanced any to commands in the Army, or to have converted the Allowance of Soldiers to his own Gain. And having but one only Son, he raised him no farther than to the place of a *Tribune of the Notaries*, appointing that, as a boundary to his preferment. Now that Men that are curious in these matters, may not be ignorant of the time of his Death, it fell out, on the tenth Day before the Calends of *September*, in the Consulship of *Bassus* and *Philippus*, the Year that the Emperor *Arcadius* died.

42. This is the whole account which *Zosimus* gives concerning the Death of *Stilicho*, and the occasion of it; wherein he endeavours to render him innocent, and to have unjustly suffered: And with him agrees *Olympiodorus* also, an Historian of those times. But the general consent of Writers is, that he was justly to death, and that for several Crimes of no less consequence than high Treason. They accuse him of bringing *Alarich* into the Dominions of *Honorius*; and of letting the Barbarous Nations, as the *Alani*, *Suevi* and *Vandalis*, into the Western Provinces. Some say he attempted to poison *Honorius*, and that he stamped Money, though without the Imperial Habit, or Image of an Emperor. The drift of all his designs, they say, was this, that as *Zosimus* writes of *Olympius* his Insinuations, he might transfer the Title and Dignity of Emperor, upon his own Son *Eucherius*. They who take a View of the opinions of these Diffenters, observe, that the *Pagan* Writers acquit him of the Crime, and that *Christians* lay it heavily to his Charge. But not only *Christians*, but one *Pagan* Author also, a Poet of this time, *Rutilius Numantianus* in his Itinerary, writes of him as a betrayer of the Empire, and as him that called the *Barbarians* into Italy. This he did, they say, to give disturbance to the Affairs of *Honorius*; to weaken the Empire, and make it more capable of his Attempts, when a seasonable time should come, for which he reserved his Friend *Alarich*. Indeed *Zosimus* tells us that the purpose of *Stilicho* was, when he saw that the Courtiers at *Constantinople* hated him, by contracting a League with *Alarich*, to lay the Cities of *Illyricum* to the Dominion of *Honorius*; and *Olympiodorus* faith, that he sent for *Alarich* to subdue *Illyricum*; but gives another Reason for it; because that Province had false to *Honorius* his share in the partition made by *Theodosius*.

43. To lay truly, the management of the War against *Alarich* in Italy, so much as we can know of it, was very odd. *Orosius* though he said but little when he wrote thus: I say nothing concerning King *Alarich* often beaten with his Gobs, often taken (as in a Pound or Net) and always dismissed, yet had reason to think much. If we well mark *Claudian*, we shall perceive him sometimes put to it, to make the best of Matters; and sometimes to write obscurely concerning that War: particularly of that *Alan* who lost his Life in Italy. What mean his flourishes, when he faith that he was worthy of the Elysian Fields, and to be celebrated in *Perses*, who, though it were by his Death, burnt with a desire to purge suspected Fidelity, and with his Blood, washed off that undeserved Stain? That *Pagan* Writers (so partial as we see they are,) should bear great respect to the Cause and Person of *Stilicho*, we cannot wonder, when we are told by *Orosius*, that his Son *Eucherius*, to procure the favour of the Gentiles, threatened that he would bring his Reign with the restitution of the Temples and destruction of Churches. But, the Encomium which *Zosimus* gives him at parting, seems little to agree with what he faith in other places concerning his Actions. The great Modesty and Abstinence he speaks of here, little suites with Rapacity, wherewith he charges him as well

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408.Orosius, Itinerary,  
maior, Philog.  
gisi.Quomodo sit  
cens direi  
Stilichonis  
vires  
luna, Prodig  
accusandus  
imperi.Falsis, Elysiis  
placis  
cervinis dignis  
qui matris  
non nobis  
adit  
Stilichonem  
tam laudat  
linguis  
non. De vita  
Gu  
tica, a v. 590.

Seçt. 2. as *Rufinus*, after their entrance into the Office of Guardians; when all the Wealth flew into the Coffers of them two; the Cities being exhausted. We cannot all but remember what he writes of his Luxury and Debauchery, when he undertook his expedition into *Greece*. But how just or unjust forever the Cause of putting this Person to death was, we must needs say that, the whole Story of him taken together, he was a very great Man, and illustrated by his many and great Actions, as well as his Alliance. Yet, by descent, *Orosius* faith he was a *Vandal*, or sprung from the race of that weak, covetous, perfidious and wily Nation. His first considerable advancement was to take care of the Emperor *Theodosius* his Horses; or to be his *Comes Stabuli*, as we learn from *Claudian* in the Poem he wrote in commendation of his Wife *Serenia*; and thence he was promoted to be *Magister Equitum*, or rather *Utriusq; Militiæ*, as we find he was, by other Testimonies.

44. So great was the Prejudice conceived against him, as the Author of the late *Invasions* and *Disturbancies*, that he being now taken out of the way, they thought the Storme to be over. For, presently after his Death, as if now there was no need of extraordinary payments, which the *Invasions* of *Alarich* and *Radagisus* had made necessary, *Honorius* gave orders to *Theodosius* the *Præfectus Prætorio* of Italy, for taking off the Burthen which had been laid upon that part of the Country called *Italia Annonaria*, of finding those Provisions called *Annonæ Cellariens*; of which we have formerly spoken; and he was as kind to *Senators*, as the ordinary sort; commanding also that their Tax or the *Glebalis Collatio*, should be removed. And now toward the latter end of *September* came out the usual Edict, for confiscating the Estates of Traitors and their Complices, enjoying *Theodosius*, that the Emperors Titles should be fixed throughout their Fields, and all their Houses; as also that what their *Agents* had received of the Fruits of their Grounds, they should presently reckon for in the Treasury, under Pain of Banishment and Proscription. This Edict it seems did not operate so effectually that that there was need of another, a Month after, to reinforce what concerned the *Agents*, and such as had to do with the Estate of *Stilicho*, commanding them to bring in what they had kept back; but without any Penalty inflicted for Failure; so that Pardon for what was past, seems to be understood. These two Constitutions respected the Estates of *Stilicho* and his *Satellites* or Partisans, in the Surveying of which, there were Goods found mixed with them, that were claimed by other Persons. But of these Claimers it was found, or suspected, that some of them at least had given Estates both Moveable and Immoveable to him, his Son, or their *Satellites*, for the enriching (or disquieting) of *Barbarians*. And therefore by a third Edict, wherein he gives *Stilicho* the stile of *Prædo Publicus*, or public Robber, he commands, that all such mixed Estates be confiscated, as were given for that purpose. It being always held for Law that no Action of recovery can lye where both the giver and receiver are found to be in turpitude or dishonesty; and in such cases, the Cause of the Exchequer is always held the better.

45. But let us hear what *Zosimus* hath concerning the management of Matters after the death of *Stilicho*. All Affairs at Court were ordered according to the pleasure of *Olympius*. As for places, he was promoted to that of *Magister (Officiorum)* and the rest were distributed according to his recommendation. Now were all the familiar Friends, and such as had taken the part of *Stilicho*, fought out in all places, and amongst the rest *Denterius* the *Præpositus Cubiculi* of the Emperor, and *Peter* the *Tribune of the Scholæ of the Notaries*, were called to account, and subjected to Examination by Torture; but being neither able to accuse him nor themselves, *Olympius*, though he gained nothing by this Inquisition, yet caused them to be beaten to Death with Staves. Very many other also, as privy to the Designs of *Stilicho*, were drawn into Trouble and tortured, to discover his affecting the Imperial Dignity; but they all perishing in this, that they knew nothing of it, a stop was put to the Curiosity of those who were active in fishing out such matters. The Emperor deposed his Wife *Thermantia*, and caused her to be sent back to her Mother, though she was not thurmented by any suspicion; and her Brother *Eucherius*, to be diligently sought for and put to Death, who was found to have fled to a Church in *Rome*, whence they dismissed him, out of reverence to the place. In that City *Helioerates* who was over the Treasury, producing the Emperors Letters which commanded that the Estates of all those should be Sold, who during the Power of *Stilicho* had obtained any place of Magistracy, busied himself in raising Moneys and filling the Coffers belonging to his Office, and not contenting himself or satiating his evil genius herewith, though

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408.—Grævis nix  
idem calum  
dicit Agri  
ni, Quidan  
givi natus  
genu genat  
ut sit juris  
Dulcor velle  
pariter Barba  
at Romani.L. A. De indel  
gentis Dithi  
—tum. Cod. Th. lib.  
13. tit. 28. Dat.  
11. Septem.  
Abst. Cod. Jap.  
ut imperia.  
L. 2. de busi  
Proscriptura  
Cod. Th. Dat. 8.  
Cal. Oclis.L. 1. tit. 12.  
Dat. 8. Cal. Nô  
vemb.L. 2. tit. 12.  
Dat. 10. Cal. Dy  
cemb. 408.  
Cal. Jap.



Sect. 2. taken away *Eucherius*, the Son of *Stilicho*, to *Rome*, there to be put to death, which they inflicted upon him, the young Man had fallen into the hands of *Marich*, and had escaped. But they having herein obeyed their orders, and restored *Thermania* to her Mother, not being able to return the same way to *Honorius*, they took Ship, and sailing toward *Gall*, came at length where he was. For their good service *Tarentinus* was made *Præpositus Cubiculi* to the Emperor, who conferred the next place upon *Arfacius*. And *Bathaniarius* being slain, who was *Magister Militum* in *Libya*, and had married the Sister of *Stilicho*, the Government of that Province was delivered to *Heraclianus*, who killed *Stilicho* with his own hand.

A. D.  
409.

Blocks up  
Rome.

Serena con-  
demned to  
death by the  
Senate.

50. *Marich* now drawing near *Rome*, and hopping up all the passages to it, a dreadful tumult arose in the City, at so unexpected a thing. Many Slaves and Barbarians made their escape to him; and the Pagans returning to their old Pable, contended, that the *Christian* Religion, whence all those mischiefs proceeded, was to be forsaken. But the Senate had *Serena* in suspicion, as if she had brought the *Barbarians* against the City; and the Fathers, together with *Placidia*, the Emperor's Sister, resolved that she ought to be put to death, as the cause of all these great calamities. They concluded, that if she was removed out of the way, he would raise the Siege; there being none then remaining that would betray the place into his hands. This suspicion was altogether false, and without ground, *Serena* having never once had such a thought. But *Zosimus* tells you, she justly suffered punishment for offering violence to divine things, in such manner as he is pleased to relate. At such time as *Theodosius* the elder, having suppressed the tyranny of *Eugenius*, came to *Rome*, he procured a contempt of sacred worship in the minds of all Men, refusing to allow, out of the publick stock, any thing to defray the expence of Sacrifices; then were the Priests of both Sexes driven away, and the Temples stood desolate, and without their wonted Ceremonies. Then did *Serena* flout at them, and would needs fee the Temple of the Mother of the Gods, where beholding a Bracelet about the Neck of *Rhea*, and worthy of that divine Worship, she took it from the Image, and put it about her own Neck. When an old Woman that was left of the Vestal Virgins, saw it, she upbraided her to her face with her impiety; but she grievously reviled her, and made her Attendants drive her away, who, at her departing wished, that such vengeance as was due to such wickedness might light on her, her Husband, and her Children. But she giving no heed to such things, carried away the Ornament, with which she was very much pleased; but often afterward a thing appeared to her both sleeping and waking, which denounced to her imminent death. Others also there were that had sight of such Apparitions. But though vengeance, the persecutor of wicked persons, did thus do her office; yet though *Serena* knew it, she had no care of her self, but at last gave that Neck to be broken by the Halter, which had worn the Necklace of the Goddess. Moreover, *Stilicho* himself, for an impiety of the like nature, did not escape the secret effects of vengeance, as the report went. For it was said, that he commanded the Plates of Gold to be taken from the Doors of the Capitol at *Rome*, and those that were commanded to do it, left this written upon the Doors: *They are kept for a miserable King*. To which, the event answered; for he miserably ended his life. Thus, *Zosimus* the Pagan, attributes their death to what he esteemed *Sacrilege*; whereas others, with more reason, believe them punished for their ambitious practices to set up their Son.

51. But however, the death of *Serena* did not procure the raising of the Siege; which *Marich* to far, enforced, that he blocked up all the Gates, and seizing on *Tiber*, stopped all Commerce, and Provisions from coming by Sea. The *Romans* resolved to endure it, expecting every day relief from *Ravenna*; but when none came, they thought fit to diminish their ordinary and dayly expence of Provisions by one half; and after that, when still there was little hope, they lived on a third part of that which formerly they had allowed themselves. Yet did not this course prevent a Famine, which by the many ill accidents it afforded, drew on a Plague, and all places were filled with dead Bodies. For, the Enemy having possessed himself of all the ways, the City it self became the Sepulchre of the dead; which thing was enough to render the place desolate; for if there had been no Famine at all, the stench arising from the Carcases would have destroyed the Inhabitants. *Leta*, who had been the Wife of *Gratian*, and *Pissamena*, her Mother, relieved many, and that for a long time; having by the liberality of *Theodosius* obtain'd an allowance for a Royal Table, out of the Treasury. But the matter having now proceeded to all extremity, and they being ready to devour one another, after at-

tempts

Sect. 2. tempts made, which at another time would have seemed abominable, they resolved to send to the Enemy, and to tell him, that they were ready to make a peace on reasonable or moderate terms; yet more ready to fight; the People of *Rome* having, after it had once taken up Arms, not been accustomed to stand in fear of any. *Basilus* was chosen for the Messenger, a *Spaniard* by original, and President of a Province, with whom joined himself one *Fohn*, who was the Overler of those Notaries of the Prince, which, *Zosimus* tells us, they called *Tribunes*, being a Man fit enough, as known to *Marich*. And yet they knew not certainly in *Rome* whether *Marich* himself was at the Siege, a rumour being spread, that there was some other who had favoured the cause of *Stilicho*; but when the Messengers were come to the Camp, they saw in how great ignorance the People had been in so long time, and were ashamed of it. When they had told their Errand, *Marich* took especial notice of this, that the People was ready to fight; and answering, that thick Grass was more easily cut than thin, fell into a great laughter, and derided them.

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A Truce  
granted.

52. When they came to the debate about peace, he used expressions exceeding even all Barbarous Insolence. He affirmed, he would not raise his Siege till he had all their Gold and Silver, rich Household Stuff, and such Slaves as were of the Barbarous Nations, delivered into his hands. One of the Messengers hereat asking what then he would leave remaining to them in the City; he answered, their lives. Having obtained a Truce, in order to a further Treaty, they returned to *Rome* with his answer. And *Zosimus* tells you, that the *Romans* being now convinced that it was *Marich* that besieged them, and despairing of all things which Man could perform, they bethought themselves of that assistance of which the City had had experience, when vexed with Seditions, and how having forsaken their ancient Rites, they had been deprived of it. While they considered hereof, *Pompeianus*, the *Præfect* of the City, met by chance with some that were come from *Tyflia*, and affirmed, that they had freed a Town, called *Neveia*, from imminent danger, by their Vows and Country Rites, having procured grievous Thunder and Lightning, you must know, and driven to flight the Barbarians. Having spoken with these Men, he did whatsoever was required by the Books of the *Pontifices*; but considering of the then prevalent opinion, that he might do it safely, he communicated his whole design to the Bishop of the City, whose name was *Innocent*; who preferring the safety of the place before his own Opinion, permitted them to do what they thought fit. But they affirming, that nothing would avail the City, except the wonted Sacrifices were publicly restored, the Senate ascending into the Capitol, and as well there, as in every Forum of the City, celebrating the usual Rites, nobody durst be present at the Ceremonies of their Country, but those Men that came from *Tyflia*, being bid farewell, applied themselves to appease and mollify the *Barbarian* all the other ways they could imagine. They sent Messengers to him a second time, and after much said, and contended on both sides, it was agreed, that the City should pay down five thousand pounds of Gold, thirty thousand of Silver, four thousand Silk Coats, three thousand Skins of Purple Dye, and as many pounds of Pepper.

53. The City had nothing now in Bank, and therefore the Senators were to be taxed according to their Estates, the care whereof was committed to *Palladius*. He was not able to raise the Sum, either for that the owners concealed part of their Goods, or because the City was grown poor, by reason of the covetous and continual exactions of the Emperours; and therefore (you hear *Zosimus*) that wicked Genius which then governed the Affairs of mankind, impelled those that were concerned in the raising of this Money, to the very height of Villany. For what was wanting in the Sum, they supplied out of the Ornaments belonging to the Images of the Gods, which amounted to no other than this, that those Images which had been dedicated with Sacred Rites and Ceremonies, and decently adorned, because they had preserved the City in perpetual felicity, should now by diminishing of these Ceremonies become altogether as inauspicious and inefficacious. And because all things which could tend to the destruction of the City were to concur, they not only deprived their Images of their Ornaments, but melted down some that were made of Gold and Silver; amongst which was the Image of *Valour*; and it being thus destroyed, all that *Fortitude* or *Valour* which remained to the *Romans*, was extinguished; which persons that were skillful in divine matters, and exercised in the Rites of their Country, did predict. Money being raised in this manner, it was thought fit to send to the Emperour, to ac-

C c c c 2

quaint



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The Siege of Rome ratified by Money, as Zosimus tells the Story.

quaint him with the Agreement, and to let him know, that *Alarich* demanded not only Money, but the Sons of Noble Men for Hostages; and upon these terms would not only make a peace, but enter into a League offensive and defensive with him, and march against any one who should act in an hostile manner against him; and then the Money was paid to the *Barbarians*. And *Alarich* for three days, opened a Market to the hungry Citizens, granting them liberty to pass out at certain Gates, and permitting Provisions to be brought in from the Haven. The Citizens having thus refreshed themselves, the *Barbarians* departed from *Rome*, and encamped in the places about *Tuscia*. But all the Slaves in a manner that were at *Rome*, fled away; every day some, and joyed with them, inasmuch that their number reached to forty thousand; and while the *Barbarians* straggling up and down, bringing in Necessaries from the Haven, the *Barbarians* straggling up and down, fell upon them. This, *Alarich*, when he knew it, both severely punished, and prohibited for the time to come. This mitigation of mischief, as it appeared, fell out at such time as *Honorius* the Emperor entered the Consulship at *Revenna*, enjoying now that Honour the eighth time, and *Theodosius Augustus* the third time, in the East.

54. This is *Zosimus* his Relation, full of zeal for his ancient Country Rites and Ceremonies, which transported him so far out of the way of veracity, as to cast dirt upon the memory of *Innocent* the Bishop, as we may with as much reason as charity believe, because the Ecclesiastical Writers, some of whom were prejudiced against him, lay no such matter to his charge. The Men of *Tuscia* we are to take for no other than *Etruscan* Soothsayers, who were much skilled in such like Mysteries. The Town they pretended to prelevise by their Conjuring, is by *Strabo* called *Lavinia* in *Tuscia*; and by *Sigonius* it is taken for *Narnia*. Why they could not shew such Feats at *Rome*, *Zosimus* gives but a slender account; for, others write, that many Senators of the *Pagan* Persuasion did really sacrifice; and that the Soothsayers were not accidentally met, but sent for on purpose by the *Præfēt*: their Gods must have been very weak, or very angry, that could not, or would not deliver their Well-wishers, without so heavy a Composition as the City paid. Another Relation there is, of a certain *Italian* Monk, who hearing what danger *Rome* was in, hastened to the Siege, and laboured to persuade *Alarich* to preserve the City. To whom he answered, that he was willing so to do; but that there was one who continually was importunate upon him, and urged him to destroy it. If this be true, it came from a stronger hand than was that of *Zosimus* his Gods.

55. But in the mean time, *Constantine* the Tyrant, who domineered in *Gall*, sent some Eunuchs to *Honorius*, to beg his pardon, that he had received that Dignity which was conferred on him. For he professed, he did not take it upon himself, but was forced to it by the Soldiers. *Honorius* considered, that so long as *Alarich* with his *Barbarians* pressed so hard upon him, he could not think of any other Wars; and he had a respect to the safety of his Kinsmen, *Venerianus* and *Didymius*, kept Prisoners by the Tyrant, so as to consent to what was done, and to send him the Imperial Habit; though he was deceived as to his Kinsmen, who were put to death before the coming of the Messengers. The Senate and People at the same time found as great reason still to be concerned for their own safety, which was far from being sure, or established, the Emperor having neither given up the Hostages to *Alarich*, nor performed other Covenants. The Senate therefore made choice of *Cecilianus*, *Attalus* and *Maximianus*, to represent the sadness of their condition to him, by shewing what they had already undergone, and what they must still expect to suffer. But whether *Honorius*, for that he had taken off one Enemy, by consenting to the promotion of *Constantine*, was grown high and secure; or, as *Zosimus* saith, was governed by *Olympius*, who disturbed all things, and hindered whatever was just and fitting, he sent back the Messengers without any satisfactory Answer. But having removed *Theodorus* from the Præfecture of the City, he gave the place to *Cecilianus*: and *Attalus* he set over the Treasury. *Olympius* still bent his whole study and endeavour to find out such as he imagined to know any thing of the Affairs of *Stilicho*, and now called to account *Marcellianus* and *Saloninus*, two Brothers, and of the Emperor's Notaries. He delivered them up into the hands of the *Præfēt Prætorio*, by whose order, their Bodies were rent and torn with Scourges; but nothing did they offer to promote *Olympius* his Design. *Honorius*, convinced now that the City was

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Socrat. l. 7. c. 91.  
Socrus. l. 9. c. 7.

Zosim. 8. 18.

Honorius sends the Imperial Habit to Constantine the Tyrant.

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in no good condition, thought fit to send for five Regiments of *Dalmatians* to defend it, in which were contained six thousand Men, esteemed the Flower of the *Roman* Army, both in respect of their courage, and their extraordinary strength and stature.

56. *Valens* their Commander, thinking it below the wonted courage and resolution of the *Romans* to shun any paths or ways because they were feiced, and held by the Enemy, fell into the hands of *Alarich* and his Men, who waited for his coming; and scarcely one hundred escaped, amongst whom was *Valens* himself, who with *Attalus*, sent by the Senate as a Messenger to the Emperor, came late into the City. Now greater mischiefs still following one another, when *Attalus* entered *Rome*, he discharged *Heliocrates* of that care, which by order of the Emperor, had by means of *Olympius* been imposed upon him. His Employment was to search after, and enquire out the Estates of those who had been proscribed upon the account of *Stilicho*, and bring them into the Treasury. But being a Man of a moderate temper, and thinking it impious to insult over miserable people, he enquired not strictly into the matter, but privily sent to many concerned, to conceal their Goods as much as they could; whereupon as good for nothing he was sent away to *Revenna*, to suffer in the room of those he had delivered; and had been put to death, but that he betook himself into a Church of the Christians. As for *Maximian*, he was taken by the Enemy, and was redeemed by *Marinianus*, his Father, with thirty thousand *Aurei*. But still the Emperor deferring the Ratification of the Peace, and not making good the Covenants, the *Romans* could not freely, and without attempts made upon their Persons, go out of the City. With this the Senate was so moved, as to send their Messengers again to him to persuade him to embrace the Overtures; and amongst them was the Bishop of *Rome*, with whom were sent some *Barbarians* by *Alarich* to secure them on their way, which the Enemy had every where beset. While they were on their Journey, *Andulfus*, who, as was said, was sent for by *Alarich*, passed the *Alpes*, which extend themselves from *Pannonia* towards *Venetia*, or the *Julian Alpes*, so called. When he was come into *Venetia*, *Honorius* finding he had no numerous Forces, drew out all the Soldiers out of the Towns, and commanded them to oppose him, and hinder his conjunction with *Alarich*; which they did so effectually, that of the *Goths* they slew fifteen hundred, with the loss but of seven Men. In the mean time, the Eunuchs at Court fell foul upon *Olympius*, and accused him as Author of all the Inconveniences under which the Empire at present laboured, and prevailed so far, that he was discharged of his place; which being done, that no greater mischief might happen to him, he fled away into *Dalmatia*.

57. The Emperor now made *Attalus* Præfēt of the City, and in his place set *Demetrius* over the Treasury, with design that he should diligently enquire into whatever might belong to it, that nothing might be concealed. Several Officers he turned out, and preferred others, as he pleased, amongst whom was *Oeneridius*, to whom he gave the Command of all the *Dalmatic* Soldiers, and besides them, of all that lay in Garrison, through the upper *Pannonia*, *Noricum*, and *Rætia*, as far as the *Alpes*. This *Oeneridius* was a *Barbarian*, but every way virtuously inclined, and most free from covetousness, who still adhered to the Rites of his Forefathers, neither would be drawn from the worship of the Gods. But of late there had been an Edict published, which forbade any that was not a Christian to wear the Military Girdle at Court. Obligated by this Law, he, who also had a Command in *Rome*, layd by his Girdle, and quietly kept himself at home. The Emperor required, that he who was an Officer should attend at the Palace according to his Rank and Place. To this he answered, that there was a Law which forbade any one to wear the Girdle, or be capable of any Employment that did not profess the Christian Religion. *Honorius* replied, that the Law should indeed bind others, but not him who had done such services for the Commonwealth; but he persisted, that he would not receive any advantage in that which tended to the injury of all other persons concerned; neither would he attend any business, till the Emperor, compelled by shame and necessity, repealed the Law in all respects, and made it free to any one to hold his Opinion, together with the Employment he had before enjoyed. Beginning with this magnanimous Act, he kept his Men in continual Exercises, and furnishing them with Conveniences, suffered none of their Provisions to be drawn off to other uses, as had been ordinarily practised. Nay, of his own allowance he gave rewards to such of them as best deserved. And be-

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Secd. 2. having himself after this manner, he was both a terror to the neighbouring Barbarians, and protected those Nations that were committed to his Charge.

The Soldiers  
mutiny at Ravenna.

§ 8. In the mean time, the Soldiers that quartered at Ravenna fell into a Mutiny, and possessed themselves of the Haven: which done, with a confused noise, they required, that the Emperor should come to them. He thought not fit to venture his Person: but *Florentius*, who was advanced both to the Dignity of *Præfectus Prætorio*, and of *Patrician*, taking along with him *Ellobichus*, the Comes Domesticanorum Equitum, went to them, and pretending to be ignorant of the cause of their unquietness, though he himself was reported to be Author of it, demanded what had provoked them to such a Seditious Act. They required that *Turpillio* and *Vigilantius*, two Officers in the Army, as also, that *Terenius*, the *Præpositus Cohortis*, and *Aspicius*, that was next to him, should be given up into their hands; and *Honorius* durst not deny them, for fear of a Revolt: so that the Officers were condemned to Banishment, and, in order to their Exile, carried on Ship-board; where they were made away by order of *Florentius*, left, returning again, they should discover his practices against them, and procure the Emperor to punish him for it. As for *Terenius*, he was banished into the East; and *Aspicius* was commanded to keep himself at Milan. Into the place of *Terenius*, was *Eusebius* promoted; the Command of *Turpillio*, was bestowed on *Valens*; and that of *Vigilantius* on *Ellobichus*: by which the Mutiny now seemed to be appeased. *Florentius*, the *Præfect*, having got all the power into his own hands, resolved to send to *Alarich*, to come as far as Ravenna, in order to a Treaty. *Alarich* so far complied with him, as to come to *Arminium*, at but thirty Miles distance; and thither *Florentius* speedily betook himself: and, having lodged and contracted Friendship together, they fell into discourse about the matter. *Alarich* his Demands were, that a certain sum of Gold, and a quantity of Corn and Provisions might be yearly paid him; and, that both the *Pænnie*, with *Noricum* and *Dalmatia*, might be assigned to him and his Men to inhabit and possess. These Propositions were sent away, in the presence of *Alarich*, by *Florentius*; who, in other Letters, written apart, advised the Emperor to make *Alarich* a *Magister Urinque Militie*; thereby to sweeten him, that he might retain something of the harshness of the Terms, and consent to a Peace upon more tolerable and moderate conditions.

§ 9. The Emperor blamed the rashness of *Florentius*; and wrote him word back, that, as for the quantity of Gold and Provisions, he might be an equal Judge in that point, having, as *Præfectus Prætorio*, opportunity to be thoroughly skilled in such matters: But, never would he grant the Dignity, or Office, of a *Magister Militum* to *Alarich*, or any of his Nation. *Florentius*, having received the Letter, did not read it privately, and to himself, but audibly in the hearing of *Alarich*, who was not moved at any other of the Contents, but fell into a Rage, when he found, that such a Command should be denied to him and his Nation: and, he commanded his Barbarians to make ready to march to Rome, to be revenged for the Affront offered to their whole people. *Florentius* being quite put out of his way by those unexpected Letters, knew not what course to take; but, to Ravenna he returned: where, to reingratiate, and make full amends for what he had done, he resolved to overdo; and obliged *Honorius* by Oath, that he would never make Peace with *Alarich*, but wage War perpetually with him. This done, he himself touched the head of the Emperor, and also took an Oath to the same purpose; which he exacted, moreover, from the rest that were in Place and Authority. In order to this extravagant Resolution, the Emperor procured an Aid of ten thousand *Fians*; for the sustenance of whom, he caused Corn and Cattel to be brought out of *Dalmatia*. And he sent out some, to spy and discover what way it was that *Alarich* took against Rome; gathering, in the mean time, together all his Forces. *Alarich*, by this time, repented of his purpose of attacking it; and procured the Bishops to go to *Honorius*, and advise him by his neglect, not to suffer that City, which, now, for more than a thousand years, had reigned over a great part of the World, to be wasted by Barbarians, nor such beautiful Buildings to be burnt and defaced; but rather, submit to some very moderate Conditions. These were, not to enjoy the Dignity lately mentioned, nor the Provinces to be given up to inhabit; but only, both the *Noricums*, that lay upon the utmost part of *Aster*, which were subject to continual Incurfions, and paid a very slender Tribute. For Provisions, he would submit to such proportions as the Emperor himself should think fit, and fully quit his Demand of Gold: desiring, that betwixt him and the Romans, a Friendship and Society in War might be contracted, against any one that should

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Secd. 2. take Arms, or move, against the Commonwealth. These things so mildly and modestly did *Alarich* propound, that all men admired his Temper. But, *Florentius*, and the rest that were next about the Emperor, alledged, that they could not be granted, because all in Office had taken an Oath, never to make Peace with him. And, if you will believe *Zosimus*, they gave this reason; because, if the Oath had been made to God, possibly it might have been neglected; by permitting to the Divine Benignity the Pardon of such Wickedness: but, having sworn by the head of the Emperor, it was not lawful for them to go against so heavy an Oath. So cautious, faith he, were the minds of these men, who (though without the care of God) governed Affairs at that time. And so he concludes the fifth Book of his History.

60. *Alarich* therefore finding himself abused, with his whole Army marched for Rome, resolved to do his utmost in the Siege thereof. At which time came another Messenger from *Constantine*, out of Gall; one *Florentius*, a man of excellent Learning and Endowments, to ratify the former Agreement, and to ask Pardon for the death of *Didimius* and *Verecundus*, the Kinsmen of the Emperor; who, he pretended, had been put to death without any Order received from *Constantine*. Finding *Honorius* in a great passion at the mention of their death, he told him, he should do well, if now entangled so much in the troubles of Italy, he gave some way to the time. And, if he would grant him leave to go back to him that sent him, and to make known the condition that Italy was in; he would shortly return with all the Celtic, Spanish and British Forces; and bring relief both to the City, and the Country about Rome. With this Proposal, *Florentius* obtained leave to depart. *Alarich* being come to Rome, threatened he would take it by force, except the Citizens would joyn with him, and make War against *Honorius*. They sticking hereat, he laid Siege to the City: and, proceeding on to the Haven, after he had spent some days in the Attack, he became Master of it. Now he had all the Provisions in his power; and threatened to spend all upon his own Army, if they did not presently submit. Hereupon, the Senate assembled; and, after a full debate what was to be done, they consented to what *Alarich* had propounded; for, death stood at every man's door, neither was there any way of evading it, no supply of Provisions coming in from the Port. Therefore they thought fit, after the receiving of his Ambassadors, to invite him to the City; and according to his Commands, they placed *Attalus*, the *Præfect* of Rome, in the Imperial Throne, adorned with Purple, and a Crown about his head.

Rome again  
yielded to  
Alarich.

The Citizens  
make Attalus  
Emperor.

61. This fine man thus promoted, could not but, out of his great flock, be liberal to others. He presently declared *Lampadius*, *Præfectus Prætorio*; and *Marcianus*, *Præfect* of the City. As to the Army; he gave Command of the Horse to *Alarich*, and of the Foot, to that *Valens*, who had been Captain of the Dalmatic Legions. *Attalus* (as *Sigonius*, out of some other than the Vulgar Copy, informs us) he made Comes Domesticanorum, and designed *Tertullus* Consul for the following year: and having bestowed the rest of the places, was accompanied by a Royal Attendance to the Palace, though many ill Omens happened, as to his success. The day after, he entered the Senate, and there made a speech full of Arrogance; affirming, that he would bring the World into subjection to the Romans; and, he bragged of other matters; for which, perhaps, the Divine Power was angry with him, and not long after, as our Author hath it, turned out the man. But, however, the Romans were mightily pleased, having obtained such Magistrates as understood their business; and they took most pleasure in the Honour conferred upon *Tertullus*, the Consul. Only, the Family of the *Acicii*, who seemed to carp at all things which tended to public good, were against it; for, possessing the greatest Estates, they could not endure the public Felicity, as *Zosimus* calls it. *Alarich* now advised *Attalus* to send away convenient Forces to *Africk* and *Carthage*; and, by that means to turn *Heraclianus* out of that Government; that, being obliged, as he was, by his duty to *Honorius*, he might give no interruption to his proceedings. But, he nothing esteemed this wholom Counsel; but, as, even, *Zosimus* acknowledgeth, trusting to his Prophets, or Sooth-sayers, (at another time) was perwaded, that that Country would fall into his hands without a stroke. He neglected therefore, to send *Dramas*; who, with those Troops of Barbarians which he commanded, might easily have defeated *Heraclianus*. And, despising the advice of *Alarich* the second time, gave the Command of the African Forces to one *Constantine*; and sent him away, slenderly provided.

Who fillly  
manageth his  
Matters.

62. While all men expected what the issue of this would be, *Attalus* undertook

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Florentius em-  
broiders the Em-  
peror in new  
troubles.

Zosim. lib. 5. p.  
824.

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Sec. 2. an Expedition against *Honorius*, who still held his Residence at *Ravenna*. And the Emperor was therewith so terrified, that he sent to him, and offered to receive him as his Partner in the Empire. But, to this, *Florentius*, whom *Attalus* had made *Præfectus Prætorio*, and now sent him to *Honorius*, answered; that his Master would not suffer *Honorius* to enjoy the Title, no, not to keep his very Body entire; some part whereof he would have him lose by Mutilation, and afterwards be banished into some Island. This prodigious Arrogance, raising astonishment in all that heard it, *Honorius* prepared to make his escape; and, for that purpose, procured no small number of Ships to be brought into the Haven at *Ravenna*; when, in the mean time, six Cohorts of Soldiers arrived, who had been expected in the life time of *Stilicho*, out of the East; but came not till now, to his Assistance. With the fight of these men, who in number were four thousand, the Emperor revived, as out of a Swoon, and committed to them the care of *Ravenna*; where he resolved to stay, till he could hear what became of the Affairs of *Africk*. In case *Heraclianus* prevailed, matters being then secured there, he would make War upon *Attalus* and *Alarich*; but, if he should be beaten, as the last refuge, he purposed to go to *Theodosius* into the East, and to quit the Western Provinces. But, while he thought of these matters, he found means to have *Florentius* brought back to his Party, and persuaded to be treacherous, as *Zosimus* terms the deserting of a Pagan Usurper, and returning to his duty toward his Lawful Christian Prince. He told the Senate plainly, that he would go on no more Errands; and spoke words in that Assembly, which our Writer calls indecent: and that, for as much as the Attempts of those who were sent into *Africk* had miscarried, the *Barbarians* ought to be dispatched thither, to make War with *Heraclianus*. *Constantine*, indeed, being slain, their hopes, as to *Africk*, began to abate: but, *Attalus* being much incensed, managed his matters by other persons; and sent away Money to repair, if possible, the Decay of his Interest in that Province.

63. But, what said *Alarich*? how doth he satisfy himself in this Pageantry, to which he had given the beginning? He was exceedingly perplexed, and began to despair of his Creature *Attalus*; perceiving him now, a man of no Judgment or Conduct. Having therefore purposed to press on the Siege of *Ravenna*, he now resolved to depart, being advised so to do by *Florentius*; who, after the Defeat of *Attalus* his Forces in *Africk*, turned again to *Honorius* his side, and ceased not to persuade *Alarich*, that *Attalus*, if he once established himself, would, if he could, procure the destruction both of him and his Relations. But, while yet *Alarich* continued in Fidelity to *Attalus*, *Valens*, the *Magister Equitum*, as a Traitor, was put to death; and *Alarich* himself marched with his Troops to all the Cities of *Æmilia*: and, such as refused to own *Attalus*, he reduced to obedience by force, except *Bononia*; which he besieged, but could not master. Moreover, he undertook an Expedition into *Liguria*, to constrain it also to acknowledge him for Emperor; but, with what success, *Zosimus*, our Informer, doth not acquaint us. This is evident, that *Honorius* now wrote to the Cities of *Brittain*, who sent to him for Aid, to provide for themselves: and he gave a Congiary to the Soldiers, out of that Money which had been sent him by *Heraclianus*; and, living at his ease, ingratiated himself with Military Men in all Quarters.

64. In the mean time, *Constantius* was again sent into *Spain*, by *Constantine*, his Father. He took along with him, as his Captain-General, one *Fulsius*; at which, *Gerontius* was so enraged, as, disdainful to have another brought over his head, he inveigled the Soldiers that lay thereabouts, and procured the *Barbarians* that were in *Gallia Celtica*, to revolt from *Constantine*. He was not in capacity to reduce them, his Forces being now in *Spain*: and therefore these *Transalpine Barbarians*, as *Zosimus* calls them, invaded all places, according to their lust and pleasure; and drove, both the Inhabitants of the Island of *Brittain*, and some of the *Celtic* Nations, to that shift, that they revolted from the Empire; and obeying no longer the *Roman* Laws, lived according to their own Precepts. Therefore did the *Britains* take Arms; and, refusing no dangers for the safety of their Country, freed it from the *Barbarians* which hovered upon it. As also, the Tract of *Armorica*, and other Provinces of *Gall*, imitating herein the *Britains*, in like manner freed themselves; casting out the *Roman* Officers, and settling their Government according to their own discretion. Others write, that *Gerontius*, out of anger that *Fulsius* was preferred before him; having got the Soldiers to his Party, put the Imperial Robe upon *Maximus*, a Creature of his own; and made him *Augustus* at *Tarraco*, or *Arreagon*. That, on the other side, the *Franks*, excited by the sluggish humour of *Con-*

*Gothofredus in philofophis lib. 12. c. 3. p. 102. Zosimus de imperio in li. 2. que narrat de vultu corporis in mutilatione, cum f. gerontio tunc in f. fulsius alibi in hoc f. fulsius imperatoris patris dicitur Honorius filius vixit con-*

*zofim. lib. 6. p. 626.*

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Sec. 2. *Constantine*, passed the *Rhine*, and poured themselves like a Torrent into *Gall*, which they had formerly so often attempted with such various success: and, amongst other Cities, took and plundered *Trier*, at this time the Imperial Seat in these Quarters. The *Pandals*, and other Nations, upon rumour hereof, repaired speedily to the *Rhine*, to give a stop to their presumption. But, the *Franks*, after that *Respondalis*, King of the *Alamanni*, was returned from the *Rhine* with his Forces, *Goar* being fled to the *Romans*, fell with great violence upon the *Pandals*: and having slain *Godogisil*, their King, cut in pieces almost twenty thousand of them; and had destroyed them all, if the *Alamanni*, having notice of their distress, had not come in, in good time to their Assistance.

65. The *Pandals*, *Alamanni* and *Suevi*, discouraged by this Defeat, and not daring to grapple and contest with the *Franks*, some say, now entred into Consultation to quit *Gall*, and seek out some other Country, wherein to settle. That, having made *Gunderich*, the Son of *Godogisil*, King in his Father's stead, they went to the *Pyrenean* Mountains; and, joyning to themselves the Garrison which *Constantius* had left at the Straits, passed over into *Spain*; and, proceeding into the farthest parts thereof, fell upon the *Roman* Captains when they never expected it, and brought the Country into Subjection. This indeed, is the Year in which *Cassiodorus* and *Proper* note the *Pandals* to have entred, and fixed on *Spain*: of which *Croftus* might have given us a full Account; living at this time, and being that Country man: but, thus much he tells us, in short. That, the Nations of the *Suevi*, *Pandals*, and many others with them being incited by *Stilicho*, beat the *Franks*, and passed the *Rhine*; invaded *Gall*, and came as far as the *Pyreneans*: Where, being stopped, they poured themselves back into the Provinces. That *Constantine*, the Tyrant, who usurped at such time as they reigned in *Gall*, sent Judges into *Spain*, whom the Provinces obediently received: but, two Brothers, noble and rich, *Didymus* and *Pyrenianus* would not receive them; but, endeavoured to defend themselves, and their Country, for the true and rightful Emperor, against the Tyrant and *Barbarians*. For some time gathering their own Servants together out of their Farms, at their own Charge they maintained them; and, not dissembling their intentions, without disturbing any one, they marched on toward the *Pyreneans*. Against them *Constantine* sent his Son *Constantius*, whom, of a Monk also, he had made *Cæsar*, with certain *Barbarians*; who, having formerly been received into a League and Friendship, and taken into the Army, had the Name of *Honoriaci*. Hence arose the destruction of *Spain*. For, these Brothers being killed, who, at their own charge, endeavoured, with a private Garrison, to secure the *Alpes* of the *Pyrenean*, as he calls them; liberty of preying upon the *Palatine* Fields was first given to those *Barbarians*; as a Reward for the Victory; and, afterwards was committed to them the care of that Mountain, and securing of the Straits; the faithful and effectual custody of the Country-men being removed. Therefore the *Honoriaci*, enriched with Booty, and allured with abundance; that they might the easier go unpunished, and have more liberty to be wicked, betrayed the Custody of the *Pyrenean*; and, opening the Straits, let all the Nations which wandered up and down *Gall*, into the Provinces of *Spain*, and joyined themselves with them. And here, after great and bloody Rovings, after great waste made, both of things and persons, for which they are now sorry, having by Lot divided the Country, they remain and inhabit to this Day. So much *Orosius*; whom to explain, as to the distribution of the Country, we are told by others, that the *Alamanni* possessed themselves of the Provinces of *Lusitania* and *Carthage*, or *Cartagena*: that the *Pandals*, called *Silingi*, obtained *Bætica*; and that the *Spaniards* retiring to Cities and Castles, the *Barbarians* were Lords of the rest. *Gunderich* the first King of the *Pandals* (in this Country) is said to have reigned in the parts of *Gallia* sixteen years.

66. For all this year we have been taken up with matters relating to War. Let us divert our selves a little, by taking a view of what else passed of Civil Concernment. While *Alarich*, at the beginning of the year, disturbed all *Italy*; but, especially, threatened *Rome*; *Honorius*, lying at *Ravenna*, when he could not protect the Cities from his Violence, yet, took care for the Establishment of the Officers, who, in a civil and limited sense, were called *Defensores Civitatum*. First, for the making of them, he ordained; that, Being initiated in the Mysteries of the Orthodox Religion, they should be appointed and settled by the Decree of the most reverend Bishops; also, of the Clergy, *Honoratus*, Possessors of Lands, and the *Curiales*: which Election must be reported to the most illustrious *Præfectus*

D d d d

Prætorio,

*Honorius reduced to great Straits.*

*Sic. de David.*

*Lib. 7. c. 46.*

*Honorius established the Defenders of the Cities.*

*1. h. de defensoribus civitatum, cod. Just. lib. 1. tit. 55. de def. civ. tit. 1.*

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*Prætorio*, and by his Letters be confirmed. Being thus appointed, he gives them in Charge, and authorizeth them, if they hear of any violence offered to Possessors, to the breach of the publick Peace and Tranquility, thereof to make report to the Illustrious and Magnificent the *Præfectus Prætorio*, the Illustrious the *Magistri Equitum* and *Peditum*, the *Magistri Officiorum*, and both the *Comites* of the Treasuries. These directions he gave to *Cæcilianus*, the *Præfectus Prætorio*; and, four days after, added farther to them; that, The *Defensors* should by their care and forecast, prevent the Possessors being oppressed in Weights and Measures, by the *Supseptores*, or Receivers of Tributes; of which, heavy complaint was made to him at this time. Their Office being to protect the Oppressed, he commands, that such a *Supseptor* being discovered, they send him to the Judge, with signification and proof of his Crime. The Course in such Cases of Oppression, and other Injuries, was to contest them before the *Defensors*, the *Courts*, *Censors*, or *Dumoviri* of Cities and Towns, the Criminals being brought, and the matters examined, and ended before them. Now, sometimes it happened, that these persons refused to deliver Copies of these Examinations and Proofs, out of favour to the Parties accused; so that the injured persons could not further prosecute them. In such cases he declares, that they may contest the injury by a Libel publicly affixed in the most eminent and frequented places of the City; which Libel shall be recorded by the *Scribes Tabularii*, or Clerks, that so the truth may be discovered by their Examination, and those punished by the Judge that denied the Copy of the Acts.

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L. de Defens.  
Cod. J. off. in-  
pud. l. 3. de  
Supseptoribus,  
Cod. Th. l. 1.  
11. l. 1. p. dat.  
11. l. 1. p. dat.

He makes a  
large Constitu-  
tion in be-  
half of accused  
persons.

67. These Laws are but part of a large Constitution made by *Honorius* at this time concerning the manner of proceeding against Criminals; and especially in favour of them, to mitigate the tyranny of Judges, and to restrain the malice of Accusers. As his Father formerly had done, he now required, that a Criminal Action should be ended within a year. Not that the Judge was to permit the Accuser to loiter, or the matter at all to be delayed, but dispatched as soon as possible; but though there might be some cause for the trial to be put off, yet should not the prosecution extend beyond that limit. In case the Accuser fail to perfect his prosecution within that time, he inflicts infamy upon him; or if he be a mean person, then condemns him to Banishment, (the usual exchange for infamy in Men of base condition) except by consent of both Parties a Discharge be made. But the consent of both shall not empower the Judge to lengthen out the Action beyond a year, though he need not conclude it before that term, if the Parties jointly request to have that respite. This he ordained as well to put some conclusion to the harassing and vexing of accused persons, as to quicken up the Judges, some of whom (possibly the illustrious, as *Cæcilianus*, to whom the Constitution is directed) were too apt to put off matters, pretending multiplicity of business. The Empire being too vast and large, persons were often accused at a great distance, and brought to answer in another Country; whence many Casualties and Accidents intervening, they never returned again, and being hurried away in haste by the Accusers or publick Officers, they had no time to settle their matters at home; and by that means, great detriment happened to their Children or Families. To prevent this, *Theodosius* the Great granted most graciously to such persons leave to continue thirty days before they were removed, to settle their Estates and Families, and comfort themselves and Relations under a moderate custody. This his Son now confirmed, enjoying that such a person be asked before the Municipal Magistrates, who were to enter it amongst their Acts, whether he would make use of the Benefit granted by that Law, or rather chuse presently to be sent to his Trial. If he claimed the benefit, he should not be refused; and if he chose to be sent away, this should speedily be done together with his Accusers, whom he would not permit to keep or detain the Prisoner as long as they pleased, or till they should think fit to begin the Journey. For as it is reasonable to give respite to the Accused, who is surprised (as we may suppose,) to recollect himself, and settle his Affairs. So is there no reason to allow any such delay to the Accuser, who in laying any crime to the charge of another person ought to be supposed to come prepared, and to have considered what he is about.

68. But still farther to prevent that cruelty which was too frequently exercised upon Prisoners, he forbids the Municipal Magistrates to commit any who were accused before them of Murder, Robbery, Adultery, or the like crimes, to prison by their own authority, but to send them with the informations to the Judges of the Provinces. Although this Constitution respects generally all Malefactors,

yet

L. ult. in  
extra ordin.  
l. 1. ad. d. 1.  
Cod. Th. l. 1.  
11. l. 1. p. dat.

L. ult. de  
trans. l. 1.  
interd. vis.  
& visus  
interd. l. 1.  
Cod. Th. l. 1.  
11. l. 1. p. dat.

Defensores civi-  
tatum, Curato-  
res, Magistrat-  
us, & milites  
interd. l. 1. in  
in carcerem non  
mittant, &c.  
l. 1. de defen-  
soribus civitat.  
Cod. Th. l. 1.  
11. l. 1. p. dat.

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yet in an especial manner it seems to intend Robbers or Highway-men, who often abounded in those parts of *Italy* that lay toward the Mountains, and such as were convenient for feeding of Cattel. For from another part of this Constitution we are assured, that Feeders of Cattel or Herdsmen were much addicted to this Trade, being always abroad in the Fields, and having opportunity to lie in wait for Travellers. Therefore *Valentinian* formerly forbade them the use of Horses; and so *Honorius* did, who now further expressly commands, That no *Curialis*, *Plebeian* or *Possessor* of Lands, board out their Sons with any Herdsman, though he permits that they place them with other Countrymen, which was usual for the convenience of Air. If after publication of this Law, any presume to do it, he shall be looked upon as confessing himself of the Society of Robbers. This was to prevent the crime, and consequently the imprisonment; and prevention is far better than punishment. But it so happening, that as a subsequent irregular course of life renders ineffectual, preventative Physick; so the wholesome Precepts of Princes are made invalid by the stubbornness and unpliant humour of their Subjects; therefore supposing what usually happens, when such persons were accused and apprehended, he prescribes farther rules for the due and fair prosecution of the guilty, and for the clearing and acquitting of them who became Prisoners by no other guilt than that of the malice or temerity of their Accusers. By the old custom, an Accuser might before such time as the Action was accomplished, obtain a *Superfideas* for the Suit, whether the Defendant was willing or not, to have it ended. But *Antoninus* and *Verus* thought fit to put some restraint upon this liberty, denying any such *Superfideas* (Abolition, the word of the Law is) if the term was near, which was determined to criminal causes. They thought it unreasonable to grant such favour to the Accuser of renouncing and nulling those Acts by which he had long vexed the accused Party, whose consent must be proved. And this was farther carried by *Valentinian*, so as to cut off all such liberty, if the Defendant had been injuriously treated by imprisonment, or, perhaps Examination by torture.

69. Now *Honorius* thought fit to put still a greater check upon malicious Accusations, by allowing to the Accuser only that term of thirty days to sue for such a *Superfideas*, which was granted to the other Party to continue where he was, and to dispose and order his Affairs before his conveyance from the custody of the Officials of the Judge unto prison. In this time wherein no great molestation had happened to him, he gives leave to his Adversary to consider, and if he please to repent of what he had done, or persist in his Accusation after his entering his name, and submitting to the *Lex Talionis*; but afterwards he denies all deliberation and revocation without the consent of the other Party. In like manner, if a witness produced by him, was once subjected to examination by torture for discovery of the matter pretended, he denies him all power of revocation without his consent. But in case he was only committed to custody, whatsoever time had elapsed, he grants it, provided he pay him his Charges; except such witness be also accused, as conscious to the crime, in which case he will have him in the same condition, as the principal accused. But what is said of Witnesses, he will have only to be understood of these of ingenuous Condition, that is, neither Slaves nor *Liberini*, of whom the *Roman* Laws made no such account; but that, notwithstanding their torturing, this Abolition might be granted, and no such respect was had of them as to Charges. Such order he thought fit to take about accused persons, whether they should be committed to Prison or not. But when in Prison, his care for them increased, that they might be used with humanity. He commands that every Lord's day, (a day consecrated to Works of Piety and Charity) the Judges send for them out of Prison, view them well, and inquire of them how they are treated by their Keepers, who too often were bribed to use them with sufficient severity; and starve them, if not looked after. In the next place he orders them to be sustained at the publick charge, if they have not wherewithal to maintain themselves, for which purpose two or three *Libellæ* a day, or as much as the Judges shall think convenient, shall be allowed so the *Commentariensis* to find them Viduals. He further wills, that under a sure Guard they be conveyed to the Baths, to wash off any nastiness contracted in Prison. And in the last place, he wills the Bishops to put the Judges in mind, that they execute this Law to the full. For, both by the Imperial Constitutions, and Ecclesiastical Canons they had power given them to visit Prisoners, and provide for the relief of the miserable and oppressed. And indeed so great were the corruptions of

L. unde pater-  
vibus datus f-  
l. 1. natiuitas,  
Cod. Th. l. 1. p. dat.  
11. l. 1. p. dat.  
11. l. 1. p. dat.

L. ult. de abolit.  
interd. l. 1. p. dat.  
11. l. 1. p. dat.  
11. l. 1. p. dat.

L. ult. de castis  
de morum.  
Cod. Th. l. 1. p. dat.  
11. l. 1. p. dat.

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the manners of this Age, that there being no trust to be given to persons of other conditions, the Emperour required them in several cases to interpolate themselves, as presumed most conscientious, and as having some authority and awe amongst the People. These and some other things of religious Concernment did Honorius enact in one large Constitution, directed to *Cecilianus* the *Presbiter*; and, as we may conclude, at the desire of the Messengers sent the second time to him from the Senate, amongst whom *Innocentius* the Bishop of *Rome* went to lay open to him the great preasures and grievances under which they groan'd.

Another  
to remove  
another  
grievance  
about Mar-  
riage.

70. Another grievance we find at this time, of which the People had sufficient reason to complain, which was represented to the Emperour by some other means than this Message, the Law for redress of it not being inscribed to *Cecilianus*, but to *Theodorus*, his Predecessor; 'although in the Chronology of Laws it be placed after that large Constitution which to him is directed. It was too ordinary a practice for such as had a design to marry, for their convenience, or according to their liking, when they could not have the consent of the Parents (the true order of proceeding according to Law) to betake themselves to the Prince by Petition, and pretending to have the consent of the Woman, to procure him to interpose his Authority, and by a clandestine or surreptitious suggestion, obtain what else they desired ever to accomplish. Now such kind of Marriages he prohibits by vigour of this Law, Matrimony certainly being to be contracted by the consent of both parties, and of the Parents; and, of it self, of such a nature as ought to come easily on, and of its own accord without any Rescript or interposition of the Emperour. Such Rescript obtained shall be understood to be surreptitious, and he who afterward shall obtain it, shall suffer loss of Goods and Deportation; his Sons born in that Wedlock shall be illegitimate, and all hope of pardon is utterly cut off. But in case a Suitor hath had the consent of the Woman and her Parents, the Rescript of the Prince may be obtain'd for consummation of the Marriage; for that hath been already betrothed, may justly be demanded, as also the four-  
th of those *Arre* or Presents which had been made to her, upon a breach, as the Law directed. Moreover, by other Laws, certain sorts of Marriages otherwise forbidden, might be allowed by the Rescript of the Prince; as that of a Woman with her Tutor or Guardian, if the Emperour approved of his manners and integrity, as to the management of her Estate. Moreover, by his Authority Matrimony might be contracted with a person of unequal Degree and Dignity. And so might that betwixt Cousin-Germans, or those of the fourth Degree, as *Honorius* here terms it, (in a transversal line) which his *Father* of *triumphal Memory*, as he words it, did not forbid any to procure by way of supplication; though he forbade it otherwise.

Marriage of  
Cousin Ger-  
mans, how ap-  
proved and  
disapproved.

71. That *Theodosius* did forbid the Marriage of *Cousin-Germans* is very certain from many testimonies, although the Law it self be not now extant in any of our Books. And he seems to have forbidden it for this reason, that he that hath to do with his *Cousin-German*, hath to do, as it were, a Brother with his Sister, they being in the next degree, and as little different as can be from really such. It's thought also that the punishment he inflicted upon Offenders against that Law, was no less than death, and particularly by Fire, as also the loss of Estate, as was wont in case of incest. This rigour his Son *Arcadius* thought fit to mitigate the year after his Father's death, inflicting upon the Offenders only confiscation of Estate in certain cases, as where there were none to succeed them by right of inheritance, the children of this and other incestuous conjunctions (so he makes it) being made incapable of receiving any thing from the Parent. And upon farther thoughts, at length after eight or nine years, he judged this Marriage good and legitimate enough, and, as such, by another Law did declare it: of which opinion *Justinian* was also afterward, and made it good by inserting this Law into his Code. However, in the West, *Honorius* still had observed his Father's Constitution, though his Brother was so uncertain in his Determinations; and, as he did not repeal the Law, so he now thought fit to allow of that mitigation that the Author himself made, by permitting a Dispensation to be obtained by a Rescript. Indeed, the Law and Practice, both, as to this matter of Cousin-Germans, have been various in several Ages. There was no Law against this Marriage, till that of *Theodosius*; but St. *Augustine* informs us, that seldom was the liberty made use of, being generally abhorred. Some did it, but it was disapproved by the Generality; which, even, in those days, by practice, seems to consent to the opinion of the Canon Law; which approves not of the Marriage of Cousin-Germans, because they are in the

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*Quoniam si nup-  
tialis ex Religio-  
nis precepto  
conjugium sit,  
ut L. i. Cod.  
de nup. et ibi  
hinc interpretat*

*L. 2. de incestu  
Nuptialis Cod.  
Theob. 1. 12.*

*L. 1. de Na-  
ptialis Cod. Theob.  
1. 1. 1. 1. 1.*

*De civitatibus  
Theob. 1. 1.*

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second Degree. How lawful, or unlawful the thing may be in it self, the common practice of it, at least, is not expedient: the world being wide, and affording more conveniences than can be found in so near a Relation. And it tends to weaken, if not untie the Bond of humane Society, for preservation whereof, that *Father*, as well as for other reasons, will have Marriages of the nearest Relations to have been prohibited in ancient times. Were this encouraged, and ordinarily practised, Mankind would not only be distinguished into several Nations, as necessarily it must, but every Nation, nay, every Town into certain Clanns and Parties, whence would proceed narrowing of interests, a canonizing of the publick, and an alienation of affections, and such effects as follow enmity and contention, rising from estrangedness in conversation.

72. But while *Italy* was so much endangered by *Alaric*, one thing there was discovered in *Africk*, which, if permitted, would have brought that Province also into farther danger. It had been an ancient custom, that the Lands that lay upon the Borders or Limits, were assigned to the *Limitaneus* Soldiers, or such as served for defence of the Borders; and with this condition, that if their Sons were Soldiers, they should then enjoy them; but if they were not, they should not return into private hands. But now *Honorius* discovered, that so far some of those in *Africk* were in private hands, that they who enjoyed them, did not perform the service for the end of which they were granted over. They had, he saith, been granted by the humane provision of the Ancients for the care and defence of the Limit and Ditch, or that he calls *Fossatum*, to the Soldiers that had the name of *Gentiles*, or such as being Strangers of other Nations, served the *Romans* in the Army; being much the same with the *Latii*, lately spoken of. But he found that they were held by others, whom now he obliges to the same duty about the *Fossatum*, and defence of the *Limit*, as Antiquity had obliged the former Possessors. Otherwife these Lands shall revert to the *Gentiles*, if they may be found; if not, they shall be conferred upon the *Petere* Soldiers with the same Burthen, that Provision may be sufficiently made for the Defence of the Borders of the Empire. These Borders, as we have already said, were either naturally fenced by Seas, Rivers, Mountains or Woods; or else by Ramparts made of Wood, Stone, or Earth, which they called *Limiti*, or, by *Ditches*, or *Trenches*, which they termed *Fossata*, so as also Castles sometime are called, because fortified by such *Fossa* or Trenches. Now whereas these Lands were given with a condition of Service to be performed; could not be transferred upon private persons, but according to the same condition, and might not descend to Sons, except they submitted to the same service of fighting, and defending the Borders, they much resemble those granted in *Fee*, as we lay at this day. And some have been of opinion, that the Laws of the *Fœda* hence took their original, of which more largely we speak in the History of the *Lombards*. As for this Law, it is directed to *Gaudentius*, as *Viscar* of *Africk*, if *Comes* rather be not to be read, the place of whom he exercised in that Country eight years before; and things of Military Concernment, as this is, belonged to his Inspection. The particular reason that urged the Government to the greater care of the Limits, and the making of it, we may take for no other than the danger that *Africk* was now in from the attempts of *Attilius*, of which ere while we heard sufficiently.

73. The Affairs of *Honorius* were now but in a mean condition in *Gall*, where *Constantine* and the Barbarous Nations had carried all before them. Yet we find that he had some good footing still in that Country; for there *Claudianus Possidius* *Dardanus* was this Year his *Præfectus Prætorio*, a person of great Note, and very well known to the Learned and Religious Men of this Age, who, though he bore twice that Office, had little to do; and had leisure enough to employ his time and charity in making of High Ways, and fencing them with Walls and Gates, as he is commemorated in an old Inscription; yet there is extant one Rescript directed to him concerning the *Principales* of *Cities* and *Municipia*, determining how long they shall hold their places, what persons shall be elected, and concerning the Privileges of the second of them in order. As for the time, he requires fifteen years wherein to attend the service of the Courts, and the Emperour; a great part of their charge consisting in their adjusting and levying of Tributes. And all those that had within six years receded from the Employment, he will have forced back. He thinks this a sufficient encouragement, that having once served their time, they were to be rewarded with such Honours; as with the Dignity of *Excoquit*, freedom from Employments, and from Torture. For the persons

## A. D.

409

*Quoniam si nup-  
tialis ex Religio-  
nis precepto  
conjugium sit,  
ut L. i. Cod.  
de nup. et ibi  
hinc interpretat*

Care taken for  
defence of A-  
frick

How the Em-  
perour's Af-  
fairs stood in  
Gall

*L. 1. de Digni-  
tationibus Cod.  
Theob. 1. 1. 1. 1.*







## Sect. 2.

Alarich depo-  
sith his Mock  
Emperors di-  
tial.Zosimus his Hi-  
story breaks  
off.Honorius re-  
inforces his  
Army.

83. I shall speak to you, Conscript Fathers, both as Consul, and as Pontifex; the place of one whereof I already hold, and the other I have in expectation. For which he was derided, as sufficiently arrogant. But Alarich, being weary of his Mock-Emperor Atalul, resolved to agree with Honorius, and to deprive him of his pretended Dignity; Fovius having, by his continual Criminations, driven him to it. He drew him out of Ariminum, where he then had his abode; and, in the presence of his Followers, took from him the Purple and Diadem; and which he sent to the Emperor. Being thus reduced to a private Life, he kept him, and his Son Amphilus, with him, till he could procure them Pardon from Honorius. Placidia, the Emperor's Sister, was now also with him in the way of an Hostage; and he treated her according to her Birth and Quality. Constantine, in Gaul, about this time, having given to his Son Constant, in stead of Cesar, the Title of Augustus, abrogated the power of Apollinaris, and made another Prefectus Prætorio in his Room. In the mean time, Alarich going to Ravenna, to make a firm and lasting Peace with Honorius, another Impediment happened, which tended to produce that State of Affairs which followed shortly after. Sarus, of whom we formerly spoke, neither joining himself with one side, nor the other, kept himself Neutral, and his Abode in Picenum. Thither Atalulphus, the Brother of Alarich, betwixt whom and him there was a mortal Feud, came, and lay down with all his Forces. Sarus perceiving he was coming, and finding he was no way able to grapple with him, as having but three hundred men; resolved to fly to Honorius, and enter into a strict League, Offensive and Defensive, against Alarich. And here breaks off the History of Zosimus; concerning whose Veracity, so much hath been said, that nothing need be repeated. But, had the rest of his Work remained, it would have been very serviceable in to great a Defect of Writers, as we now find to handle the matters of those confused times.

84. From other Authentick Records we find, that in the beginning of February, Honorius reinforced his Army by new Levies. For this purpose he gave order to Macerdominus, his Comes Rei Private, to require of the Officials of Judges, and of the Honorati of Africa, Money for the setting forth of Soldiers, as the custom had been, and now was practised, as to the Honorati; not only in the Provinces of that Country, but also, in Sardinia, Sicily and Corsica. But, he executed such of them as had at present some Service or Employment imposed on them; as also, such as were, by the violence of the Barbarians, driven out of Italy, or the Soil of the City, as he terms the Suburbicarian Regions. For every Tiro, or new Soldier, he requires thirty Solidi, the Rate having often varied; being set, sometimes at twenty, otherwhiles at thirty six, or half a pound of Gold. But, as to the matter of Atalul, or his Deposing, Sozomen adds to the Narration of Zosimus; that, when he laid down the Ensigns of Majesty, his Captains also laid down their Girdles; but Honorius forgave them, and permitted every man to retain that Honour and Degree which he had formerly enjoyed. There is indeed extant an Act of Indulgence, which bears Date but five days after that about raising Soldiers, inscribed to Gaisio, as Comes and Magister Officiorum; but not so full as what Sozomen writes. For it permits such only to enjoy their places they had before the Ulfurpation, as came timely off from the Ulfurper, and returned to Obedience before his Affairs grew desperate; distinguishing betwixt true Repentance and Necessity, or Constraint; with which whosoever were moved, he commands, that their Names be expunged out of the Matricula, or Register; as also theirs who had broken themselves from one sort of Employment to another.

85. They that timely repent are to be pardoned, and kindly received; but such as have ever continued faithful, to be gratified and rewarded. This moved Honorius to consider the Devotion of Africa, as he terms it, how loyal it had been, though attempted by Atalul; and therefore, toward the latter end of June, he thought fit to remit such Tributes as were due to the Receipt, either of the Prefectus Prætorio, or to that of the Largitiones, or Res Privata, till the fifth Indiction, or the Year CCCCXIII. This Edict being placed after another, which in time it preceded through the heedlessness of the Compilers of Theodosius his Code, is directed to Macrobius, the Proconsul of Africa; whom Gothofred thinks the same with him, who was, as several Constitutions shew, ten years before this, Vicar of Spain; and twelve years after, Proposius S. Cubiculis, and the very Author of the Saturnalia, yet extant. Thus much favour the Emperor thought fit to shew his Subjects of Africa in June; but such was still their behaviour, as to deserve so well at his hands, as farther to enlarge it in November follow-

A. D.  
410.Lao. de Themi-  
stocles, Cod. Theod.  
6. 14. 15. 16. 17.  
a Cod. Jys.L. 1. de Tribu-  
tione, crim.  
num. Cod. Th.  
Da. 17. 18. 19.  
Fob. Alarich in  
temporaria a  
Cod. Jys.Cognitores  
Africa dicitur  
num. Cod. L. 6. a  
Indulgentia  
Dilectum Cod.  
Th. Da. 1. 7. 8. 9.  
Jul. Valentin  
Cod.

## Sect. 2.

Alarich the Re-  
cond time be-  
sieged Rome.

ing; at the latter end of which Month, he forgave all the Debts that were owing, to that present time, in a Constitution directed to the Honorati and Possessors throughout Africa; and subscribed thus: After the eighth Consulship of Honorius, and the third of Theodosius. For, there being no Consul in the West this year, Varanes, a Stranger, was scarcely thought of, though mentioned in the former Law. These Acts of Indemnity and Grace passed, as we said, after the deposing of Atalul. But we are told by Orosius, that, In him being made Emperor, then unmade; made again, and then unmade; and all this, in a manner, sooner done than said; Alarich laughed, as it were, at a Mimick, and gazed at a Play of Emulation. From this it appears, that Alarich restored him again, after his taking him out of Ariminum; and despoiling him of the Purple; and, that afterwards, taking again distaste, he scorned and derided him, and plucked off his Fool's Coat.

86. As therefore, Honorius, after his first Deposing, passed that Act of Grace, lately mentioned in behalf of such as had come timely in. Six Months after, or at the beginning of August, The Commonwealth being, as he tells Palladius, the Prefectus Prætorio, freed from the Injury of Tyranny, he commanded those that were guilty of all Crimes, to be released; giving thereby, a full and free Pardon to all Crimes relating to the Ulfurpation. But, however the Commonwealth was freed, this Freedom continued but a very little time: For, though Alarich was inclined to make Peace with Honorius; yet, by means of Sarus, matters were again disturbed: Who, as Sozomen writes, with his three hundred Men, fell upon the Goths when they expected a Peace, and that all things should be in Repose and Quiet. And what he purposed, took effect; for, with this Act, to which he thought Honorius privy and consenting, Alarich was so incensed, that, suppressing yet his Indignation, he returned to his Army near Rome, and the second time besieged the City. Here John Baptistæ Egnatius, a Venetian, tells us, he could not but exceedingly admire; that so great was either the injury of times, or lazyness of Writers, both Ancient and Modern; that, whereas all with one consent report, that Rome, the Queen of the World, was taken by Alarich, the King of the Goths, in the one thousand, one hundred, and sixty fourth year after her founding; yet, they either enquired not into the manner of it, or, if they did, wrapped it up in Oblivion, as a matter ignoble, and not worth the knowing. He falls into a great Exclamation, that a City, the Queen of the Universe, which may be believed to have been so luckily founded that it should always be Lady and Mistress of the Earth, and which had so often triumphed over the Barbarous Nations, and the World; should be taken through the craft of the Goths, and yet, the series and order of the thing should be unknown. He tells us, he will in no wise endure this; but, being studious to illustrate all Antiquity, will not neglect a passage so memorable. Now, it was taken, faith he, by the craft of the Barbarians, after this manner, which Procopius, of all that I have read, doth alone relate; and I cannot but admire, that the whole matter is dissembled by his Translator, or else not known, because he light upon some imperfect Greek Copy. But thus he writes.

87. Alarich had now, for two years, besieged Rome, neither could or durst Honorius, who lay idle at Ravenna, afford it any succour; for, being solicitous for nothing less than the safety of the City; Stilicho being once dead, he made no General to carry on the War against the Goths. This suggested to them thoughts and hopes of besieging the City, the Roman Soldier being either gone from his Colours, or detaining himself very sluggishly; yet this Barbarous Enemy not being able to conquer it by force, had recourse to Wiles and Treachery. He pretends to retreat into his own Country; and chuses out three hundred young men, excellently qualified, both in Body and Mind, to bestow on the principal Romans, instructed before hand how to behave themselves with all diligence and obsequiousness to their Masters; and on a certain day, about Noon, when they were asleep, or minded little, to hasten to the Gate called Porta Anagnina; and there killing the Guard on a sudden, Onset, to open the Gate to him, who would be at hand, ready to enter. The Goths deferred their Journey, under pretence of want of several things; and in the mean time, these young men, excellently improving their advantages, opened the Gate at the appointed day to their friends; who, breaking into the City, treated it with more Ignominy than Damage, though they ravaged it throughout. Some there are that think the Gate was opened by Proba, an Illustrious and most wealthy Lady, out of compassion to the ordinary sort of people, which died like Sheep, by the violence of Famine and Distractions. Two things there are, not unworthy to be known: The one is, that Alarich gave order, that such as fled to Churches, especially those of

A. D.  
410.

L. 1. 5. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Roman. Hist. lib. 1.

SECT. 2. of *Peter and Paul* should suffer no violence; which was faithfully observed. The other, that when *Honorius* had word brought him to *Revennas*, that *Rome* was lost, he thought that thereby was meant a Cock, whose name was *Rome*; and he exceedingly admired that he should be lost, who had, a little before, made him so very good sport. Of so stupid a disposition was this Prince, having nothing in him of his Father's or Grandfather's virtue; which also is objected against his Brother *Arcadius*. For being uxorious, amongst other ill things he did, out of compliance with his Wife *Endovia*, he banished *Chrysostom*, a Prelate of extraordinary Sanctity and Learning.

88. Thus the Illustrator of all Antiquity (as he saith, who should not say it) whose Lucubrations are so illustrious, that a man may use them as Spectacles, and yet see very little, or never the better for them. How true this Relation is in the beginning, where it says, that *Alarich* besieged *Rome* two years, we have seen already; as also, that *Honorius* made no General after the death of *Silicho*, he rather made too many. What we have already written, concerning the swarming of *Goths* in *Rome*, and what multitudes of Slaves there were of these Barbarous Nations, may resolve us what to judge of that fine story of the three hundred young men given to the *Romans*, and the Romantic Tale, that three hundred men, in so vast a City, in such vast Confluence of people, though at Noon time, should bear all before them, and open the Gates to an Enemy; which, lying at the Walls, could not but be suspected. St. *Jerom* hints, that it was taken in the Night time; and it appears, that it was rather surprized, and not after any long Siege; so that there was no occasion for *Proba* her Commiseration: the might spare her pity of the people, which could not be pinched for want of bread in so small a time. It seems *Procopius* and *Egnatius* mistook this latter for the former Siege, wherein *Rome*, indeed, was severely strained.

Which he takes,

When,

And upon what occasion

89. Whatever the Circumstances of taking it were, as to the time, it must have been after the making of the Edict, or Act of Grace, we last mentioned. For, it is generally agreed, that it was not taken till *Attilus* his Usurpation was removed; which was done about the beginning of *August*, as the words of the Edict sufficiently evince. *Baronius* therefore, with good reason, embraceth the report of the Author of the *Historia Miscella*; which will have *Rome* taken, or *Alarich* to have entered it on the three and twentieth of *August*, rather than the Opinion of some more modern Writers, who cast it back to the first of *April*. Besides, the Council of *Carthage*, which was held this year, before the taking of *Rome*, was celebrated but in the Month of *June*. Therefore, the offence taken by *Alarich*, upon occasion of the violence offered to the *Goths* by *Sarus*, or some other pretence, must have been after the later deposing of *Attilus*, and in the Month of *August*. But, why should he vent his Spleen upon *Rome*? Why revenge himself upon that City, where he had lately been so familiar, which had been the Seat and Habitation of his late Mock-Emperor? With the choice of whom, and other Magistrates, *Zosimus* tells us the Citizens were so well pleased? Because he fell out now with *Attilus*, would he quarrel with *Rome*, that had received him? Or, quarrelling with *Honorius*, would he fall out with the City which had owned his Rival in the Empire? Shall we not rather think, that the honest Christian Party, which was greatest, and Loyal to the true Emperor, began to get Ground in *Rome*, and obliged him to depose *Attilus*; which done, they were encouraged to proceed to assert the Emperor's Interest: and thereupon Contentions happened, which recalled *Alarich*, to whom the Party of *Attilus* betrayed the City? That it was taken by Treachery, *Sozomen* writes; and *Prosper*, that *Attilus* being outed of his Empire, gave it up to the *Goths*. Or, in the last place, shall we not rather give credit to what the Poet *Claudian* says so much of the desire wherewith he was inflamed to take *Rome*; that this was the great and only thing he aimed at, in commiseration? And, that he was glad to catch at any pretence, to accomplish so ambitious a design, as to be Master of the Mistress of the World?

90. However, the suddainness of the Enterprize may excuse the wonder and surprize of *Honorius*, who could not imagine the City of *Rome* to be in danger of taking. If therefore, the story of the Cock be true, there was no such reason to make such a stir as the *Pagans* did with it, and any thing else, whereby they could revile or expose him to Hatred and Contempt. For, they attributed all Calamities to Christian Religion, and his Constancy therein, and had great hopes and expectations from *Attilus*; though he and they were deceived by the Answers of their Gods, as *Zosimus* confesseth; and their Sacrifices and other Ceremonies could not do them any good, nor stave off the publick Calamities. For, however *Attilus* had been made Emperor by *Alarich*, yet, when he took the City, the *Pagans* were so far from escaping, that they seem rather most to have suffered. *Orosius*, in short, says, that *Alarich* besieged trem-

A. D.  
410.Vide in Anst.  
ad h. d.

Lib. 7. c. 39.

SECT. 2. bling *Rome*, disturbed and brake into it; yet, having before given Command, that if any Persons fled into the Churches, especially, of St. *Peter* and *Paul*, they should not in the least molest them. In a word, that they might plunder what they would, but abstain from blood. After some particular Instances of the Reverence shewn by him and his *Goths* to Religion, he adds, that the *Barbarians*, on their own accord, quitted the City on the third day after their Entrance, having defaced some Houses with Fire; but not with so much damage as had happened to it in the seven hundred Year after its founding. For, the wantonness of *Nero* exceeded the Anger of the Conqueror, that Fire which he kindled for a Shew and Pastime, having far exceeded this: not to speak of that which happened when the *Galls* took the City, over the Ashes of which they insulted almost an whole Year. That none may doubt but that the City was permitted to be taken for the Correction of its proud Wantonness and Blasphemy: at the same time, he saith, the most eminent places in it that could not be burnt by the Enemy, were demolished by Thunder. But for the main he affirms, that in his time, when the memory of the thing was fresh; yet, if one considered the greatness of the *Roman* People, and heard the noise it made, he would think that, by the Irruption, nothing was done, only some small Ruins of the Fire were still remaining. He concludes the matter with acquainting us, that in this Irruption, *Placidia*, the Daughter of *Theodosius*, was taken Prisoner by *Ataulphus*, the Kinsman of *Alarich*, who made her his Wife; *Rome*, as it were, by Divine Providence, delivering her up as an Hostage, or special Pledge, whereby the *Barbarians* were joyned in to great an Alliance, to the great advantage of the Commonwealth.

A. D.  
410.

c. 42.

91. From several hands it appears how careful the *Goths* were to fulfil the Command of their King, for abstaining from Blood, especially of Christians. Some affirm that, even in the Streets, such as mentioned God and the Saints were spared, and many thousands saved by this means; inasmuch, that many turned Christians: and *Pagans*, as St. *Augustine* reproacheth them, escaped by taking Sanctuary in the places of Martyrs, and Churches of the Apostles. Yet was there not the same fence of Religion in all the *Goths*, nor the same respect shewn towards the Command of *Alarich*, in sparing the Christians. All escaped not upon this Account, though it saved worst, generally, with those that were not known to be such; the *Goths* raging vehemently against the *Pagans*. This they stomach much afterward, and thereby endeavoured to raise still greater Envy against Christianity: which put the Bishops upon answering their Calumnies, and to recount the great Damages the Christians also suffered. This doth St. *Augustine* excellently perform in his Book, *De Civitate Dei*, which he began to write the Year following; wherein he shews also, that the people of *Rome* had formerly suffered far greater Inconveniences from its own Citizens, and that the City had deserved all this for the Impiety of the Gentiles; whereas, on the contrary, by means of the Christian Worship, it had been kept from utter Destruction.

92. However, it was plundered, set on fire in certain places, and, of so great a multitude, many thousands were killed or made Prisoners; amongst whom was *Placidia*, the Sister of *Honorius*; which Lady, it seems, *Alarich* had left at *Rome*: for we have seen lately from *Zosimus*, that before this taking of *Rome*, he kept her as an Hostage, though he treated her in a most honourable manner. But, whereas three years seemed hardly sufficient to the emptying of all the Wealth there in so many Ages hoarded up, the *Goths*, as *Orosius* writes, were content with three days; though *Cicero* and *Marcellinus* will have them to have departed, not till the sixth day after their Entrance: whichsoever of the two was true, this seemed, in effect, rather a shaking of the Rod over the City, than any found beating; inasmuch, that the people, as some relate, were presently sensible of their a little intermitted pleasures; crying out, that if the *Circenian* Games were but restored to them, they were well enough. But great was the Alteration, extraordinary was the Change; that the Mistress of the World, the that had extended her Arms so far and wide, and so despised the Barbarous Nations; should now be taken Captive, and become a Prey to a pitiful inconsiderable Rabble, driven out of their own Countries by greater Barbarians than themselves. This Captivity of *Rome* fell out in the MCLXIII Year after its founding; in the eighteenth of *Honorius*, and the eighth Indiction.

### S E C T. III.

*The Third Step to the Ruin of the Empire in the West;*

*From the taking of Rome by the Goths, to the death of Honorius, and the Government of a Woman ( Placidia ) and ( her Son Valentinian ) a Child.*

*Containing the space of thirteen Years.*

**A**N extraordinary providence it was that attended *Rome*, and the *Roman* Empire in this calamity. That *Marich*, who having now in his power the Head, might easily with his victorious and triumphant Army have bidden fair for the Conquest of the whole Body ; being, as it were, struck with madness, and neglecting a greater opportunity than *Hannibal* had after the Battel of *Cannæ* (like to whom he knew how to get, but not to improve a victory) should neither keep the City he had got, nor take care to have it kept for him ; nor move against *Florentius*, whom altogether unprepared, he might easily have destroyed. Driven out rather by an Almighty Hand, than going of his own Account ; with fragging Troops rather than a well ordered Army he invaded *Campania*, and the parts lying toward *Sicily*, which he harraſſed ; and feverely handled Church-men, to wrest from them all the Gold he could poſſibly compaſs.

2. *Honorius* having received intelligence of his motions, kept himself at *Reverna* the remaining part of the year, expecting how far his fury would transport him. But ten days before the taking of *Rome*, the Emperour seems again to have undertaken the care of supplying the City, after it was returned to obedience, and had so deeply suffered in the want of Necessaries. For whereas ordinarily the *Navicularii* were not bound to pass the Seas, or fail in Winter; yet now upon so pinching and extraordinary an occasion, he commanded, that Winter it self should not excuse them, when the Wind served, and the Weather was good. By an Edict inscribed to *Faustinus* the *Prefectus Prætorio*, he impleth a severe penalty upon the Judges, and also the *Decuriones* and Bodies Corporate; even loss of Estate, if they suffer any laden Ships to remain in their Havens upon pretence of Winter, if the Season be convenient for Navigation; and on the *Navicularii* themselves he inflicts Deportation, if they be convicted to have used any fraud to hinder their Voyage. The Principals of the *Agentes in rebus* he now gratified highly, by confirming on them the Dignity of *Proconsuls*, and equalling them with such, who formerly indeed had been preferred before *Rationales*, but came after *Præsides*, though afterwards made equal with *Consulares*. And considering the time and the present exigency of Affairs, he was highly kind and indulgent to those that served in the *Servitia*. For though *Rome* had been taken and plundered, and the Enemy was yet in the Bowels of the Country; yet when there seemed greater need for supply than ever, did he give Command to *Miltius* the *Prefectus Prætorio*, that when there was an Indiction of Horses, or other things, these persons should be spared; so as neither while serving, nor having served their time, they should be liable to that Burthen. And he threatens the Judges and their Apparitors with the forfeiture of ten pounds of Gold, if they do not refrain from molesting them in this kind; all other persons not privileged being to be called on, as need shall require.

A. D.  
410.

L.34. de Navi-  
culariis, Cod.  
Th. & Lult. Cod.  
Just. cod. sit.  
Dat. 18. Cal.  
Sept.

L. 7. de Prin-  
cipib. Agentum  
in rebus, Cod. Tu.  
C. l. 3. Cod. Just.  
cod. cit. Dat. 7.  
Cal. Octobr.

L. 15. de Proxi-  
mis, &c. Cod.  
Th. Dat. 16. Cal.  
Decemb. Abijt a  
Cod. Fast.

### 3. Though

Sect. 3-

*Theodosius endeavours to preserve his Houſe from the flame.*

3. Though the Bulwark of *Honorius* was so much on fire this Year, as to threaten the reducing it to very Ashes, yet was he desirous, that it should not be spread, as to catch hold on the Habitation of his Neighbour. His Nephew *Theodasus* had no great reason to be uneasy at *Constantinople*, except it was out of Commiseration towards his Uncle, and apprehension, that if he was ruined, he should but have the favour which *Polypheme* promised *Ulysses*, to be the last that should be devoured. To prevent it as well as he could, he held intelligence with his Uncle; and it was agreed betwixt them for their mutual security and assistance, that the Coasts of the Eastern Empire should be well secured, where they lay toward the Western Border. In pursuance of this, an Edict was directed to *Anthemius*, who carefully watched for the safety of his Prince, and that toward the latter end of *April*, commanding, that all Roads, Havens, Shores, and all remote and private places in the Provinces, together with the Islands, should by the disposition of his Magnificence, as it styles him, be prudently and carefully kept and secured, so as no manner of person, either by force and violence, either openly or privately, should convey himself within the Territories of the Empire, but be stopped, or apprehended, except he brought a Pass or Letters from the Lord *Honorius*, the Emperor's Uncle; and that evidently appeared. Moreover, if any such person pretended to bring Letters to any of private condition, these Letters and all Papers about him should be carefully sent to *Theodasus*; for this, saith he, the present occasion of *Tyrannick Fury*, and *Barbarick Ferocity* doth perswade. And so, after having sent and received an answer, it is agreed betwixt me and my Lord and Uncle *Honorius*. By tyrannick fury he means the Usurpation of the Tyrant *Attilus*. By barbarick ferocity, the rudeness and cruelty of the *Goths*, and other Barbarous Nations, which now swarmed in *Italy*, *Spain* and other Provinces of the Western Empire.

A. D.  
410.

L. 2. de litigam  
& itincum  
custodias, Co. i.  
To. Dat 8. Mai.  
1611.

4. But in so extraordinarily dangerous times, *Theodofus*, or *Anthemius* rather, did not only think fit to secure the Borders, lying Westward, from Spies and Discoverers, but the other also of the East; though at this time the League, made by *Arcadius* with the Kingdom of *Perfia*, was in force. For there is another Law, which, though without Date of Year, or Day, yet inscribed also to *Anthemius*, and concerning this same subject, is rationally thought to have made up with the former, one and the same Constitution. This prohibits Merchants, as well Subjects of the Empire, as of the *Perfian* King, to hold any Markets or Fairs in any other places than those that had been agreed on when the Law was made; left Incursions should be discovered. No Subject of the Empire shall dare to go beyond *Nisibis*, *Callinicus*, and *Araxata* to traffick with the *Perfians*. Both Buyer and Seller must know, that such Wares as shall be bought or sold beyond these places, shall be confiscated, and the Party himself banished, besides the loss of the price, or things exchanged. Moreover the Judges and their Apparitors of every Limit, through which any *Roman* or *Perfian* passeth to any prohibited place, for every such unlawful Bargain shall incur a Fine of thirty pounds of Gold. But such are excepted as shall accompany Ambassadors that come to the Emperor from the *Perfian* Court; for they are allowed to traffick out of the forementioned places, provided, that they abuse not this privilege granted for the sake of the Embassy, by staying longer than the Ambassadors themselves. By this we see the manner of preventing Spies and Discoverers in this Age, by hindring Commerce; which being a specious pretence, under the Vizard of Merchants many of them have in all times concealed themselves. Towards the latter end of the Year it was thought fit to mitigate the rigour of the Law, whereby married persons were tied up to, as if they had no Children they could not receive above a tenth part of the Estates of each other. So severe was that Law called *Lex Papa Decimarum*, which *Constantine* the Great did not repeal, though he took away several penalties belonging to Celibate, and Burdens that lay upon such as had no Children. But now those about *Theodosius* thought it convenient to repeal this also, and in this respect to grant the *Primæ Libertorum* to all married persons, that they might receive by the Gifts or Testaments of each other as much as those that had Children. Though for encouragement of propagation, other privileges still remained peculiar to such.

L. 4. de Commer-  
ciis & Mercat-  
toribus, Cod.  
Just. l. 1. §. sic,  
63.

L. 2. 3. di Jure  
Libertatis. Cod.  
De lib. 3 tit. 17.  
Du. p. d. Nov.  
Septimo.

5. For the Year CCCCXI *Theodosius Augustus* was Consul the fourth time alone; and sometimes it is marked thus, *After the Consulship of Varanes. Alaric*, having waisted *Italy*, and gratified his humour to the full upon the Continent, resolved to pass over now into *Sicily*, and there also to act according to his covetous

A. D.  
411.

*Theodosio*  
*Aug. 4, Conf.*



Sect. 3.

and cruel inclinations. For this purpose he drew down his Forces to *Rhegium*, and put them on Board, but in his attempt to pass over, was seized by a Tempest; which fo disorderd the Fleet, that he was constrained to return into *Calesia*, where he fell upon *Confentia*, a strong City that refused to obey him, and having taken it, permitted it to be plundered. Here he consulted what to do, and whether to turn his Arms, when he was suddenly summoned to give an account of

*Alarich* dict.

what he had done already ; for, falling sick, his Dilectate quickly dispatched him to another world in the height and career of his success. His *Ghosts* were exceedingly perplexed at the death of their King, under whose conduct they had prospered so long a time. As soon as grief would give them leave, when they considered what great mischief he had done to the *Romans*, imagining, that they buried him in any place that was capable of accurs, his Body might be dug up, and ill treated by those whom he had injured ; by the assistance of Slaves they digged a Ditch, and drained the Water out of the Channel of the River, & *Genus*

### His Burial.

There in the middle of the Channel did they bury him with abundance of Wealth; which done, they let go the Water back into the Channel, and the stream returned to its ancient course; after which they killed the Slaves that had been employed in the Work, that none might give notice of the place. Having done this last office to their deceased King, they held a Consultation whom to elect into his Room, and made choice of *Araulf*, his Wives Brother, who thus promoted, procured the consent of *Galla Placidia*, the Sister of *Honorius*, a Woman of excellent parts and person, to marry him at the place called *Forum Corneli*; which Marriage, as *Sozomen* observes, happened very well for the Empire, the mollifying his fierce and cruel humour, by the cunning art he had of working upon him, and procuring him of his own accord to desire peace of the *Romans*.

At: If succeeds  
him.

6. This is much more probable and true than what the Writer of the *Hiſtoria Miſſica* ſpeaks of *Anaſtuſ* his returning to *Rome*, with the Army preſently after the death of *Aſarich*; his plundering it, and thence taking away *Placidia* to be his Wife. For as to *Placidia*, others ſignifie, that ſhe was in the hands of the *Goths* before *Aſarich* his death, as we have ſeen already; and that violence was gain offered to *Rome* preſently after his Deceſſe, is no where elſe to be found. But *Oroſius*, who living at this time had reaſon to be well acquainted with the Affairs of it, tells us, that as the report went, and as his end ſufficiently diſcovered, *Anaſtuſ* was a ſtudious endeavourer after peace, and deſigned to ſerve *Honorius* faithfully, and to employ the Forces of the *Goths* for the intereſt of the *Roman* Commonwealth. He adds, that he himſelf had heard a certain perſon, (who having ſerved *Theodoſius* in an eminent Command in the Army, afterward had the teſtimony of *S. Jerome* for a religious, prudent and grave Man.) at *Berthelem* in *Paleſtine*, ſay that he was very familiar with *Anaſtuſ* at *Narbon*, the place of his Nativity; that then he underſtood from him, as others did, that being high in his Deſign, in his power and wit, as he himſelf was wont to relate, he had a vehement thruſt and deſire to have the *Roman* Name obliterated, and all the extent of the Territories of the *Romans* to be called the Empire of the *Goths*, or to ſpeak vulgarly, that it ſhould be called *Gothia*, inſtead of *Romania*; and the name of *Anaſtuſ* ſhould be ſubſtituted in the room of that of *Cæſar Auguſtus*. But having by manyfold experience proved, that the *Goths*, by reaſon of their unbridled Barbarity could not be brought to obey Laws, and that the Commonwealth could not ſubſiſt without them, he then reſolved to provide for his own Security and Glory, by reſtoring fully the *Roman* intereſt, by the force and aſſiſtance of the *Goths*; that he might be eſteemed by poſterity, as the Author of the Reſtoration of *Rome*, ſeeing he could not be of an *Alteration*. For this purpoſe he endeavour'd to abſtain from War, and labour'd for peace all the ways he could, eſpecially being tempered and inclin'd by his Wife *Placidia* to all good Offices, ſhe being a Woman of a very ſharp Wit, and unblameable as to Religion. Being ſtudiouſly intent after the procurement of peace, he was at length killed at *Barcino*, a City of *Spain*, through the treachery as was reported, of his own Men.

7 This happened some time after, as we shall see in its proper place. At present leaving *Stratius* newly married to *Placidia*, and as some write, purposing for *Gall*; we shall haile thither before him, being called by the motions that now happened betwixt *Conflantine* and *Gerontius*. *Sozomen* acquaints us, that *Gerontius* being the Chief of all his Commanders, now turned his Enemy, and adorned with the Imperial Habit one *Maximus*, a familiar acquaintance, whom he thought fit to be made an Ulurper. Him he permitted to stay at *Tyrracon*, and he himself

*A. D.*

411.

Paulus Diaconus.  
Quem nimia dilectione lugentes, Barentinum amicum juxta Constantinam civitatem de alveo suo derivant. Fornabides de Rebus Gilicis. 20.

*Alta-ulfe Go-  
thice patris  
auxilium.*

### CHAP. III.

Sect. 3.

*Gerontius* pu  
*constans* to  
death.

led his Army again *Constantine*, hoping to surprize his Son, who then lay at *Vienna*, and speedily to dispatch him. *Constantine* when he heard what had happened about *Maximus*, made *Edobrichus* his Captain General (whom some make King of the *Franks*) and he sent him beyond the *Rhine* to draw the *Franks* and the *Allemani* into a confederacy. To *Constantius* his Son, he committed the custody of *Vienna*, and the other Cities. But *Gerontius* marching thither, fell upon *Vienna*, took it, and therein *Constantius*, whom he put to death. Thence he removed to *Arles*, and in that place besieged *Constantine*, whom he hoped in a short space to fend after his Son. It happened not long before, that *Honorius* observing the restless humour of this man, though he had owned him as Emperour, and sent him the Purple, yet seriously considered how he might rid *Gall* and himself of such a Colleague. He cast his eyes upon *Constantine*, one to whom Writers give the Title of *Comes*, a Roman of great Nobility, of great Valour and Prudence; and him he made *Majestri utriusque Militie*, and with a powerful Body of Men sent him into *Gall*. He chanced to come into the Country at such time as *Gerontius* lay encamped against *Constantine*, and there he also lay down before *Arles*; esteeming both of them as Enemies to his Master, though they were at enmity between themselves. And he ordered his matters, that most of *Gerontius* his Soldiers came over to him, and forsook the Traitor, who thereupon, to avoid destruction, fled presently into *Spain*.

3. *Constantius* continued the Siege of *Arles*, which he had begun; and not long after news was brought of the approach of *Edeobechus* with a great number of *Franks* and *Allemauns*. The report hereof so frunk the Officers of *Honorius*, that they thought of returning back into *Italy*; but *Constantius* relolved with the Foot to abide his coming, and sent *Uphilas*, his chief Commander of Horse, to lie in wait for him, and use all advantages which time or place might afford. He permitted *Edeobechus* to pass by with all his Troops, that he might fall upon him in the Rear at such time as his Front should engage *Constantius*; and by this means it came to pass, that he was utterly defeated, all his Men being slain or taken, except some few that escaped. He himself fled, and got safe to the House of one *Edeicins*, whom he had much obliged, and therefore took for his faithful Friend; but he fairly cut off his Head, and brought it to the Officers of *Honorius*, expecting great favour and rewards for so meritorious an Act. *Constantius* commanded them to receive the Head, and in the Name of the Commonwealth, that thanks should be given to *Edeicins* for executing what should have been done by *Uphilas*; but whereas he purposed to remain in the Army, he commanded him to be gone, not thinking it lucky, either to himself or it, to harbour so ingrateful a Man. But *Constantius*, who had endured a Siege of four Months, when he heard of the overthrow of *Edeobechus*, devoted himself of the Purple, and fled to a Church, where, hoping thereby to secure himself, he obtain'd to be made Priest. This known, the Inhabitants of *Arles* having received an Oath from *Constantius* for their Indemnity, opened their Gates. Being entered, he cauled *Constantine* with his other Son *Fulian* to be secured, and sent to *Honorius* into *Italy*; and he hearing of his coming, sent thoe to meet him,

Constantine, his  
Father, taken  
by Constantine,  
and put to  
death.

is who, at the River *Mincius*, cut off his Head, and presented it on the seventeenth  
en of September. He had used the Title of Emperor five years from his first Usur-  
pation. For an Usurper he was at first. But being owned by *Honorius* afterward,  
us, who sent him the Purple, and had power to make or receive a Colleague ; accord-  
ing to that Law and Custom which in the Empire was now observed, of Emperours  
we can scarcely deny him the Title.

*Grontius in Spain, being in danger, kills himself.*

F f f f

which

Sect. 3. which hung at his side, and therewith struck himself into the heart. *Maximus*, his Mock-Emperour, that he had set up, not long after perished, as *Socomen* hath it: but *Orosius* writes, that deposed and forced to a private life, being forsaken by the *Gallican* Soldiers (who first passed over into *Africa*, and again returned into *Italy*) at such time as he concluded his History, he lived as a banished Man in *Spain* amongst the *Barbarians*. This time being fruitful in Tyrants, the boldness of one encouraging another to such Attempts as they could not yet but observe to be tragical in the end; one *Fovinus*, a Man of great Nobility, and Power amongst the *Arverni*, took upon him also the Ensigns of Majesty, and hoped by the assistance of the *Franks*, *Burgundians*, and *Almans* to defend his usurped power.

Theodosius  
in Gall.

The Huns  
invade the Pro-  
vinces.

10. Thus miserably were the Provinces of the West harassed this Year; *Italy* and *Gall*, as we have seen; and still the farther Spain by the *Vandals*, *Alans*, and *Sueves*. And the East had also its share in the public calamity, though small in comparison of what the West did suffer, which had the ill hap to be the Receptacle of such inundations as did but in *transitu* afflict the Eastern Provinces. *S. Ferom* writes, that presently after the captivity of *Rome*, the whole East trembled with the terrible Messagers that were brought, how Swarms of *Huns*, which proceeded from the utmost extent of *Meotis*, between frozen *Tanais* and the savage Nations of the *Massagetes*, with their swift Horses flew up and down, and filled all places with terror and Slaughters. Now, he saith, the Roman Armies were detained by Civil Wars in *Italy*; so that the *Barbarians* had scope enough to go whither they pleased, and by their speed to prevent the very fame of their coming. They had no respect, either to Religion or Dignity; no Age they spared, neither had any pity for the crying Infant, but compelled these to die, who yet had not begun to live, and knowing not their danger, when in the Enemies Hands, smiled at these Weapons which were immediately to destroy them. He adds, that the constant rumour was, that they purposed for *Jerusalem*. Some are of opinion, that out of *Asia* they poured themselves into *Thrace*, and so into *Pannonia*. For it appears, that after the *Goths* had quitted *Ilyricum*, they were succeeded by the *Huns*, who especially seized on *Pannonia*, *Honorius* now not being in a condition to make any considerable opposition; so that he yielded to an agreement with them, and as he received, so he gave up Hostages, amongst whom was *Atius*, who had formerly been delivered up to *Alarich* on the same account.

11. This Invasion of the *Huns* in the Eastern Parts foreseen, or feared, put those about *Theodosius* upon an endeavour to secure as well as they could the Northern Limits. Besides the Fortifications of Castles and Walls, upon such Rivers as parted the Empire from the Territories of *Barbarians*, there were kept certain Vessels of War called *Lusoria* from their playing or plying about, whereof some were employed in continual Watches and Discoveries, lest the *Barbarians* should attempt any thing suddenly and unseen; and others kept their stations, as occasion required, to oppose their motions, if they offered to pass the Water. A Fleet of these Frigates called *Lusoria* (as those that were at Sea *Liburnæ*) there was ever on the *Rhine* for defence of the Empire against *Germany*, another, as the Reader may remember, was settled on the *Mosel*, or *Menje*; and in the East there was a third, which lay upon the *Danube* for defence of the *Mæsan* and *Syphian* Limits, which lay in *Mæsia* and *Syphia*, two Provinces of the Dioceses of *Thrace*. To reinforce these Limits, a Rescript we find directed about this time to *Constantius*, by the Title of *Magister Militum* throughout *Thrace*, dated on the twenty seventh of *January*, thus: Our Lord *Theodosius Augustus the fifth time being Consul*, and he who (in the West) shall be declared. Now, as for the year, *Theodosius* was Consul but the fourth time in this whereof we write, and in that following was the fifth time adorned with the Consular Ornaments. But *Theodosius* being this year Consul alone, whereas in the following, his Uncle was joined with him; and in the Date of the Law no other being expressed, but only this added: And he who shall be declared, this seems to direct us this present Year, wherein no Consul being declared in the West, they in the East at the latter end of *January* were still in suspense and expectation who should be the Man. The fifth time also might easily be mistaken by the Scribe for the fourth. However, the matter is not great, it being certain, that in one or other of these Years the Law was enacted; and therefore the Chronology of *Theodosius* his Code, to make sure of it, sets it at both the one and the other. It ordains, that in the *Syphian* Limit, (because it was larger, and extended to a greater distance upon the Borders) shall be employed one hun-

A. D.  
411.

Epitaph. Fabio  
le.

sign.

Julianus  
dile.  
arguiss.

Sect. 3. dred twenty six of these *Lusoria*, so as every year seventeen new ones shall be built, and furnished with all conveniences. Of these, five shall be for Discovery, and twelve to keep the usual stations. In that of *Mæsia* shall be employed one hundred *Lusoria*, so as every year fourteen new ones shall be built, whereof four of the first, and ten of the latter sort; that so in the space of seven years the whole number (almost) may be repaired. This must be done at the instance of the *Duces* of the Limits, the *Magister Militum* of the whole Dioceses, taking care, that they do their Duties, and that materials be provided for the building of the Vessels. In the last place, order is taken, that these *Lusoria* be duly repaired, when grown old and leaky, and appointed to the transportation of Corn and other Necessaries for the Armies.

12. In the Year CCCXXII, *Honorius Augustus* the eighth time, and *Theodosius Augustus* the fifth, (as we lately hinted) received the Consular Ornaments. *Honorius* this Year made his Abode at *Ravenna*, and *Theodosius* at *Constantinople*. *Ataulfus* now with all his *Goths* quitted *Italy*, and went into *Gall*, where he chose to inhabit the Province of *Narbon*, with the consent and allowance of *Constantinus*, who setting himself against *Fovinus* the late Usurper, overthrew him in Battle, and drove him at length out of *Gall*. After his overthrow his Brother *Sebastian* set up for himself, as if the Sovereignty had been entailed upon their Family; but *Constantinus* made his Reign to be very short, putting an end to that and his life together in a little time. Having done this, and punished such as had encouraged the Rebellion amongst the *Arverni*, he went into *Spain*, and there easily mastered the Usurper *Maximus*, whom, finding a mean Fellow, and nothing answering to his name, he despised him, and let him go; so as *Orosius* writes, he lived afterwards among the *Barbarians*. These *Barbarians* were the *Vandals* and *Suevi*; who by this time, in a division of Countries they had over-run, had *Gallicia* fallen to them for their share; the *Alans*, who possessed *Lusitania*, or the *Turcilingi*, to whom some assign the parts of *Bætica*. These now held the farther *Spain*, being modelled in certain forms of Government under their several Kings. But the hither parts of that Country, *Constantinus*, by subduing the Usurpers, now reduced into obedience to *Honorius*, the rightful Prince; and this performed, he returned into *Gall*.

13. The *Goths* being removed out of *Italy*, *Honorius* was much at ease, but the Treasury was quite exhausted; and the Affairs of the Empire were in such a posture as required he should be upon his Guard, and provide against such accidents as he had too great reason to expect. More Men were to be raised, and the Money paid usually in the room of finding *Tirones*, was to be exacted. But the Burthens of State were so great, that to evade them, all persons that had any pretence flew to their privileges, which put *Honorius* to the pains of declaring what persons they were that he would hold excused. These were the illustrious, the *Præfetti Prætorio*, the *Magistri Militum*, the *Comites Domesticonum* (it being he saith, improper, that they should be bound to find Soldiers, whose Valour makes his Enemies Captives, and prepares them for his Triumphs) the *Præpositi*, or *Primicerius* of his Bed-Chamber, the *Cæstrensis*, the *Comes Sacre Fæstis*, and the other Chamberlains, the *Magister Officiorum*, the *Questor*, and the two illustrious *Comites*, or High Treasurers. Eight of these persons were illustrious, after whom he subjoins others, of the degree of *Spesabiles*. The *Primicerius* of the *Notaries*, the *Consistorian Comites*, the *Magistri* of the *Scrinia*, the *Tribunes* and *Notaries*, the principal Physicians, (or *Comites Archiatrum*) the *Comites Sabuli*, the *Cura Palatii*, the *Scholares*, the *Proximi* of the *Scrinia*, and the *Scrinia* themselves; the *Comites Dispositionum*, the *Decuriones*, the *Magister Admissumum*; such other persons in Dignity, or *Comites*, as were assiduous to the labours of the Prince, as he words it; and in the last place, the *Tribunes* or *Præpositi* of the Army, who had received testimony of ancient service. All these persons he excused, as well after their Employments, as when in Office, both from the payment due for finding of Soldiers, for Horses, and that of Gold. Heads, that he will have them only obnoxious to those payments, whom Antiquity called *Honorary*; or who, having obtained Civil Dignities, had bestowed no pains in such Employments. As also such as having the Military Titles of *Præpositi*, or *Tri-bunes*, knew not what belonged to the Camp, and never looked the Enemy in the face.

Honorius declares what persons should be excused from the finding of *Tirones*.

14. This gives us an account of the Ranks and Orders of Court, and Military Officers; but such as in some things differs from that we premised to our History from

A. D.  
411.

12. us. de Lo-  
vis. Decretis.  
Cod. Theod. tit.  
17. Dat. 5. Jul.  
Fide. Causp.  
Dicit. Theodosius  
A. 5. Conf. Et  
qui fuerit na-  
tus, A. 5. A. 5.  
Cod. Jul.

A. D.  
412.

Honorio A.  
8. & Theo-  
dosio A. 5.  
Coll.

Law. Quis præ-  
buit Titulum  
et equum  
trecentum. Cod.  
Theod. tit. 12.  
Dat. 15. Jul.  
Nov. A. 5. A.  
Cod. Jul.

Sect. 3. from the *Notitia* of the Empire. At this time the *Comites Domesticorum* had an higher place than afterward, when the *Notitia* was composed, as *Gothofred* well observes; because at this time they often executed the Offices of *Magistri Militum*, and the Law it self gives testimony to their Valour. They that are called *Comites Stabuli* were Masters of the Horse, and sometimes have the Title of *Tribunes*, as *Valens* had under *Valentinian*, his Brother. But farther, by this same Constitution directed to *Melietus* the *Præfect*, *Honorius* declares, that he exculeth illustrious Persons, not only from those payments, for Soldiers, Horses, and that of Gold, but from all both forid and extraordinary services: "Whereas by the Laws of *Valentinian* the young, and *Honorius*, they had only been freed from forid Employments. He was now put in mind of several things which ought to be reformed in *Africa*, which had of late been forely harraided, and yet had very well deserved of him. Complaint was boldly made, that the Possessors of Lands were burdened, by being compelled to pay, not only for their own Grounds, but such as were barren or forsaken. We have formerly spoken of the *Epibole*, which was devised for equitable reasons; for oftentimes Lands were so alienated, that the best and most fertile were bought up, and others utterly neglected, though with diligence and care they might also have been rendered sufficiently fruitful; a practice so common in some Provinces, that it was necessary for the restraint thereof to make a Compensation or Adjection, so as the barren should be added to the fertile, and Tribute paid for both together. But this was only when both sorts of Grounds had belonged to one Man, or the occupation of them proceeded from the same Right and Title; not when they had no Relation one to another. But now in *Africa*, the Officers of the Revenue extended this *Epibole* too far, making such Possessors pay for deserted Lands, as had no obligation at all to do it. To redress the Grievance, *Honorius* gave in charge to *Seleucus* the *Præfect* of *Italy*, that *Inspectors* should be sent into that *Dioecesis* to view and consider the grounds and reasons of the Complaint; and thereof make a report, that all matters relating to the Tributes might be put into a due posture.

He regulates the *Epibole* in *Africa*.

14. But particularly as to the payment of Gold and Silver, such care had formerly been taken by *Theodosius* the Great, that neither the Money might be diverted to other use, nor the Possessors forced twice to pay the same Duty; therefore did he ordain, that payment should be made before the *Defensors* of the Cities, and Acquittances delivered in their presence. But this, it seems, proved not effectual to prevent oppression, which appearing to *Honorius*, he now enjoined *Eucherius*, the *Proconsul* of *Africa*, that all payments of Gold and Silver should be made in the City of *Carthage*, the place of his Residence; who being the great Officer and Magistrate of the Country, would strike more awe into the Collectors, so as not to dare to refuse the giving of full and fitting Discharges. In the same City of *Carthage*, and that in the *Secretarium* of the *Proconsul*, if presiding on the Tribunal, and the People being let in, and standing about him, he will have the Executors of Tributes chosen at the appointed times. If any of them shall be found faulty in their places, others shall be chosen to succeed them; and if they be found guilty of oppression shall be capitally punished, and their Estates answerable for fourfold the value of what they superexacted. If any of the Judges shall neglect to see those orders put in practice, he shall incur a Fine of thirty pounds of Gold.

15. The *Curiales* made as heavy complaints, that they were not only employed in business relating to their Charge, but hurried about, and forced to be Stewards and Bailiffs of the Lands belonging to the *Res privata* of the Prince; to collect the Cloaths that the Provincials found for Soldiers, and to undergo other labours. These two things he particularly prohibits, and in general, that the *Curiales* be vexed with mean Employments and extraordinary Burthens; laying them upon the Shoulders of the Officials, belonging to the Governours of Provinces, and in *Africa* to the *Proconsul*. For the whole Welfare and prosperity of Cities depending upon the *Curiales*, if they were thus diverted from their charges, the interest of the Provinces must be much impaired, and the Officials were more proper for such Employments. Being Soldiers themselves, they had better reason to understand the Habits that were most proper to such; and besides, they received some profit from the furnishing of these Cloaths; and therefore reasonable it was, that the advantage belonging to them, the Burthen should be also theirs. Other publick Officers there were, which in this same Constitution he gives order to *Eucherius* to reform. Particularly to put a stop to the injustice and

And redress other Grievances.

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L. ult. de extra-judiciali, de re-cod. Jus. de ex-cod. manum.

L. 31. de Accusatione, de re-cod. Jus. de ex-cod. Jus. de ex-cod. Jus. de ex-cod. Jus. de ex-cod.

L. 32. i. j. de vit. Cod. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

L. 1. i. j. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

Sect. 3. and Infolenace of the *Mancipes*, or such as bought and exacted Horses for the *Curias Publicas*, where the Provincials were not wont to furnish them; as in *Africa*. They were careless in their Choice, and therefore, he will have the loss accruing by any unfound or unfit, to redound to themselves. In the last place, *Eucherius* had complained, that several Officials that had belonged to him, as *Proconsul*, had deserted their Stations, and betaken themselves to *Palatine* Employments, for this reason; that, being obnoxious to Punishment for their ill Behaviour, or oppressing the Country, they might shelter themselves in an higher and more privileged Service. To redress this Inconvenience, *Honorius* wrote, both to him, being principally concerned; to *Seleucus*, the *Præfect* of *Italy*, as the Prime Minister of State in that District; and to *Probus*, the *Comes Largitionum*, to whose Office the Fugitives had betaken themselves: Commanding that they should all be forced back to their several places; and, for the time to come, if any should presume to offend in this nature, they should, during life, be condemned to serve as *Mancipes* of the *Curias*, or to the receiving of Tributes. Which Laws, this very Year, by another Constitution, he was constrained to reinforce.

16. Indeed it was the misfortune of the Provinces of *Africa* all along to be more harraided with Grievances than any others, because they lay at such a distance beyond the Sea; and Complaints were stifled before they could be fairly represented to the Prince, as we have seen heretofore, in the days of *Valentinian*. This encouraged Officers to be faulty and corrupt, that even such as were ordained to prevent Mischief and Disorder, made use of their places and power to commit greater Outrages than those they were appointed to redress. The Reader may remember that there were, upon occasion, certain Inquisitors sent into the Provinces, to look after Delictors, and such as straggled from their Colours. Usually the *Protectores* were employed in the business, and such as had the Title of Tribunes. These men were come to that height of Infolenace and Oppression, making use of their Power to prey upon the Country; that, to answer the grievous Complaints of the Provincials, *Honorius* was now constrained, by an Edict directed to *Constantinus*, as *Magister Militum*, to abolish the Name very and Office throughout *Africa*, as unlucky; and to make it Capital for any to aspire to this condemned Employment, out of desire to prey upon the people. The Necessities of *Rome*, and the frequent occasions for marching of Soldiers, solicited him now again to quicken up *Seleucus* to take care that the Body of the *Navicularii* should be full, and neither any Persons or Lands escape that were obnoxious to that Function. For their encouragement, he shortly after confirmed the Privileges of those of *Africa*, by a Constitution directed to them themselves; wherein he sentenceth such Judge or Magistrate as shall not give them Relief and Protection in case of any Grievance, to have his Estate liable and obnoxious to the Function, without any hope of Pardon or Release. He imposeth a Mult of ten pounds of Gold upon any *Judges* of Provinces, upon the *Proconsul*, *Vicar* and *Præfect* of *Annona* of *Africa*, and their Officers, if they suffer any thing to be diminished of the hundredth part allowed them for Leakage, and if they permit any to receive any Present from them; and condemneth the Receiver besides, to pay four-fold the value into the Treasury. And whereas the *Tribune Notaries*, and the *Apparitors* belonging to the *Præfects*, were wont to be sent and employed by the Emperor and *Præfects*, to direct, assist and expedite the bringing in of Corn. If they shall receive any thing from the *Navicularius*, or from the Master of the Ship, he commands, that they be punished at the discretion and instance of the *Judge* or Magistrate of the place.

17. He farther provides for them in case they suffered Shipwrack; That the *Judges* presently hear their Causes, the Hanging of the *Secretarium* being removed, so as they and others may freely enter, and be heard. And, if any Officers or Clerks belonging to the Court, shall require or take any thing of them, he gives power to the *Judge* to mult, remove or proscribe them, according to the Quality of the Persons. And, in case the *Judge*, having Application made to him, either by offering Libel or bringing the Matter to a full Hearing, shall not determine it within the allotted time, or the space of two Years; then shall he pay one half of the loss sustained by Shipwrack, and his Office the other half. There being scarcely an end of Complaints out of *Africa*, the *Decumviri* of one City were laid to prey upon those of the lesser or inferior, and to extend their Jurisdiction beyond their Bounds. Of this *Honorius* was also obliged to take notice to *Eucherius*; Giving order to punish such of them as should erect the *Falces* of their Authority beyond the Limits of their Territories. By which it appears, that as

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L. 1. de Curias, Cod. de vit.

L. 1. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

L. 31. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

L. 32. i. j. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

L. 33. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

L. 34. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

L. 35. de vit. Jus. de vit. Jus. de vit. Jus. de vit. Jus. de vit.

Sect. 3. this time *Dumuviri*, or Municipal Officers, had *Fufces*, or bundles of Rods carried before them; whereas, of old, they had neither *Fufces* nor *Axer*, which were peculiar to Governors of Provinces, but only some *Beadders*, or *Apparitors*, that carried Staves before them, as their name imported; which we may learn from the *Acts of the Apostles*. He was perwaded also, to give order, that the *Curiales* should be put upon the Priesthood, as formerly, the people still being unwilling to quit their *Ethnick* Paffimes; and, that the Sons of the *Curiales* should be drawn back to their Cities.

He labours to  
prevent the  
Exposing of

their. Such Deviations were made by the Barbarous Nations, of Corn, and  
 other sorts of Provisions throughout the Provinces, that sgreat scarcity followed  
 as provoked Lords of Slaves, and Patrons of Freed men, to expose such Infants as  
 were born under their power. To obviate which Inhumane Practice, *Honorius* now  
 thought fit to transferr the Dominion and Interest of such perſons in the Children,  
 upon thoſe who took care, and bring them up; provided they produced Witneſ-  
 ſes of their ſo doing, and reduced their Teſtimony into Writing, which he will  
 have confirmed by ſubſcription of the Biſhop. “ This *Agſtinus*, afterward did not  
 ſo far approve, as to allow ſuch Infant to be Slave to him that took him up; but  
 would have him, if expoſed, to be of ingenuous and free condition. There was  
 more reaſon now to refrain this cuſtom of Expoſing in *Italy*, becauſe the *Barbarians*  
 were withdrawn, and the Country began to be a little at reſt, after ſuch Depopu-  
 lations as it had undergone. And the City of *Rome* now again beginning to lift up  
 her head, it was fit, that thoſe multitudes which had forſaken her, and broken them-  
 ſelves into the Iſlands, and the Eaſtern Parts, ſhould return, repair her Ruins, and  
 reſtore her to her former Eſtate. This the Emperor thought himſelf obliged to  
 procure. So as, by an Ediſt directed to *Palmaris*, Prefect of it, he required, that  
 By the Care of the Governors of Provinces, all *Corporati*, or thoſe that belonged  
 to the Bodies or Companies which ſerved the Cities (as the *Bakers*, *Sharits*, and  
 others) ſhould be compelled to return to their Stations, and to diſcharge ſuch Fun-  
 ctions, as anciently had been impoſed on them. “ Into the Country it was alſo fit,  
 that the Poſſeſſors of Lands, and ſuch as had cultivated the Grounds, ſhould return.  
 But many of them could not but be diſcouraged from returning to ſuch places as  
 were harraſſed by the late Invaſions, and ſuch Lands as were rendered barren, and  
 could not for ſome time be brought in tune again. Nay, ſuch as poſſeſſed Lands,  
 though fertile, yet were diſcouraged, to think, that by virtue of the *Epikole*, or  
 Compensation, they muſt be burthened with that *Cenſus*, or Tax, which was wont  
 to be paid by thoſe that had been deſerted, and lay untilld. To give eaſe in this  
 caſe, and to provide for the reſeeping of depopulated places; *Honorius* rejecting  
 the *Epikole*, and the former way of Compensation, ſent Directions to *Fohn*, the  
 Prefect of *Italy*, that ſuch Lands as did not anſwer the *Cenſus*, ſhould be exactly  
 viewed, and their Worth carefully and faithfully entred into the Cef-Books.  
 This done, with all Juſtice and Moderation, they ſhould be put into the hands of  
 their Owners, or their Heirs: and, if ſuch could not be found, of Neighbours or  
 Strangers, who ſhould pay no more than the Grounds would well and ſufficiently  
 afford. And not this neither, for ſome time; for, he allows them the Immuni-  
 ty of two Years, wherein they ſhall pay no Tax, the better to enable them to re-  
 cover their Grounds to their former fruitfullneſs.

He provides for reepling of depopulated places.

20. The Wantonness and Unnaturalness of some Women, who, often having had Children by former Husbands, either married suddenly again, without a regard had to Modesty and Respect of the Dead : or, if they did not do it suddenly, yet, when they did marry had no care of their Children by the said Husbands ; had formerly provoked *Theodorus* the Great to make severe Laws for restraining their Irregular Appetite. Whereas formerly, from the time of *Romulus*, it had not been lawful to marry within ten Months after the Husbands death, he made it unlawful for them to contract a second Matrimony within twelve Months, or an whole Year. Such as should dare to do it, he branded with Infamy, as they had been formerly by the Law. And further ordained, that they should lose whatsoever Goods or Estates were coming to them from such Husbands, whom they had so soon forgotten ; so as not to escape this Punishment by the Recept or Indulgence of the Prince. This Law, afterward, *Julianus* so far approved as to put it into his Code ; yet, leaving out the last Clause of it, because he would reserve Power to himself to grant Indulgence, as of old the Senate had done during the Commonwealth, and former Emperors, when a Woman was found not to be with Child : and to remit the Infamy, and restore to Fame when he saw convenient.

21. Further.

*A. D.*

412.

φαεζοι,  
 c. 16. v. 35.  
 ibi Duumvir  
 appellatur, a S.  
 Luca seg-  
 tuoi.

Lult. de Expo-  
sit. Cod. Th. Dat.  
14. Cal. Apr.

Lult. Cod. Just.  
de Infant. Expo.

Lult. de Privi-  
legiis Corpora-  
torum, V. R. Cod.  
Th. Dat. 4. Cal.  
Apr.

L. 12. de Censur  
 ribus, Cod. Th.  
 Dat. 8. Id. Jun.  
 Absit a Cod.  
 Fust.

L. 1. de Secundi  
Naptiis, Cod. Th.  
lib. 3. tit. 8. &  
L. 2. Cod. Just.  
100. tit.

Sec. 3. 21. Further, *Theodosius*, to provide that Children of the first Marriage should not be wronged, as it so frequently happens, from the Indemnities of the second; enacted by another Law, that, of all the Goods or Estate that came to a Mother from a former Husband, or from any Children of the said Husband, the Property should remain to the Children of that Husband surviving; so as the Mother, marrying again, should only have the *Ufus-Fructus*, or Profits thereof during her life: Only, he left it free to her to assign such Estate to whom of the Children she pleased, his design being to secure it from passing unto Strangers: which Election of the Mother, whether she married again or not, succeeding Princes thought fit to take away; so as the could only consign the Profits, during her own life, to whom she pleased; thence it self being equally to be divided amongst the Sons after her Decese. In case one of the Children died, brothers were to succeed Brothers, and excluded the Mother. If no Brother was left, then the Mother came in with the Sisters, the sharing one half, and they another. But afterward *Justinian* altered the Law, so as to give the Mother leave to come in, with her Sons, to an equal share of a Son's Estate; and with Daughters he assigned her but an equal share also. This was in favour of Mothers, in comparison of the old Law and Custom, which gave Right of Succession to the Grandfather by the Mother's side, and excluded the Mother, if married again. In case a Woman had Children, she could have but the benefit of the Estate during life, if she married the second time; but, if she had none, the entire Property came unto her; *Theodosius* his intent being only to make provision for the Fatherless. And, as his care was especially for those that were Fatherless, he did not forget Motherless Children: but, bewixt Fathers and Mothers he put a difference. He supposed Fathers would be more prudent, and retain their Authority over their Wives and Families; while the weaker Sex was more subject to be overcome, by crafty Insinuations, or downright Threats. Therefore he would not compel Fathers, when they married again, to assign all that came by their former Wives, to the Children they had by them: but he gravely admonished and conjured them, by the Rights of Justice and Religion, to do that which, if good advice and fair words would not procure, then the force and efficacy of a Law must exact.

**For the Rights  
of Mothers.**

22. And his Advice or Snafoard had not that effect which might have been expected, which forced his Grandson, afterward, to make good what he hinted concerning the Force and Compulsion of a Law; and therefore, as well Men as Women, were alike concerned and obliged. But now, in *Honorius* his time, Husbands or their Sons were become so careless and diligentious, as to deprive their Wives or mothers, if they could of the *Ufus-Fructus*, or Profits of such things, if they wedded again, though the Year was, as had been felt upon them at their former Marriage. This contrained him this Year to take notice of it, in an Edict directed to *John*, the *Prefect*; And to refrain the male persons of such Sons as would not allow their Mothers such provision as had justly been made for them, but enquired into their Age before the Day. As he acknowledges the Propriety of the things to be in them, so, on the other side, he acknowledges the Law of his Father, and the Right of their Mothers during life. Again, notwithstanding his late Endeavours, such Complaints were made of the Cities of *Italy* being still empty and forsaken, that he was compelled to give order to *Liberius*, the *Prefectus Praetorio*, to force back both the *Decuriones*, the *Officials* or *Apothecaries*, and also the *Collegiati*; of which, there were several Companies destined to the Pleasure and Recreation of Cities; which now he thought fit to gratify with such Diversifements, though they had their Original from Pagan Superstition. And, as if one sort of men infected another with negligence of Place and Duty, the *Senates in Rebus* were now so guilty of this fault, that they provoked him, at the end of the Year, to command *Namicius*, the *Magister Officiorum*, to let them know, That such as had loitered after the time was out that had been given them, should return to Court, and there give an Account of their Absence, before the first day of *February* next, following. If this they did not do, their Names should be expunged out of the Roll, and they should be further punished. And the Governors of Provinces, if they suffered any of them to stay and loiter within their Jurisdictions, must pay six Ounces of Gold for every Loiterer.

23. As *Honorius* laboured this Year for repairing such Breaches as the Misfortunes of the Wars had made; so, at *Constantinople*, his Nephew *Theodosius*, or rather, *Anthemius*, his Prime Minister, endeavoured to prevent such Calamities, which was better. It concerned them chiefly, to look to *Athyrum*, through which so great miseries had

entred

Sect. 3.

They at Constantinople endeavour to prevent mischief arising from War.

entered into the Empire; and therefore, *Herculus*, the *Præfectus Prætorio* of that District, was enjoined to take care, that, No persons by any Privileges should be excused from contributing according to the quantity of what they possessed, towards the Repairing of Walls, and Conveyance of Corn, or other Species for the publick Defence; although Dignified Persons were wont to be excused from other Collations. The great Fear and Anxiety wherewith all persons could not but be flook, that understood any thing of the dangers that threatened the whole Empire (though the Western Provinces sustained the shock) put those that had the Government in their hands, upon the Promotion and Encouragement of all Works and Employments which tended to the Defence of the Borders. Amongst others, the making of Arms in the *Fabricæ*, or Forges, especially deserved it. But, of this an ill Use and Advantage was made by such *Curiales* as had a mind to run away from their Employments; who betook themselves to those Forges, expecting to be connived at, as being therein very serviceable to the State. Great Complaint hereof was made by those of the East; who convinced *Anthemius*, that, though the Work of the Forges was by all means to be pleyed, yet the Cities must not be exhausted and ruined; for the Defence of which, the making of Arms was only designed. He procured a Rescript to be directed to himself, wherein Order is given, that, if any person have a purpose to joyn himself to the Body of the *Fabricenses*, he shall either before the Governor of a Province, or the *Defensor* of a City, prove himself to be altogether free, as to Birth, and other Obligations, from the Service of the *Curia*: otherwise, he shall be forced back, to discharge the Duties of his Country, without any Allowance or Prescription of time. And, because there were great Clamours in *Phœnicia* against *Lupianus*, the *Comes*, & *Magister Militum* through the East, that the *Curiales* of that Country were wont to shelter themselves among his *Officials*: Command was sent to him, that, The principal *Decuriones* having given notice to the Governors of Provinces of such Fugitives, and they having made report thereof to him, he should transmit them to the said Governors; who, after examination of the matter should give Sentence & send them back to their former Charges.

24. But having lately spoken of *Illyricum*, we must take further notice of the great Complaints which were made now also, in that too often harraided Province; which caused them at Court to bethink themselves of a new way for raising of such Provisions as they called *Annonæ* and *Species Cellarienses*, due to the Civil and Military Magistrates, or the Governors of Provinces, and the *Comites*, or *Magistri Militum*. The Law and Custom had been for the *Procurators* of the *Curia*, to take care for the levying and payment of them in Money; but, it being discovered that more than due, was, upon this pretence, squeezed out of the poor Provincials; and that whereas, for one hundred and twenty Oxgangs one *Solidus* was but to be paid; the Avarice of the Governors and Officers was such, that they exacted as much for the half, nay, at last, for the fourth part: and this was done under pretence of the Charges that these *Procurators* or *Primates* of Courts were at. Therefore now was it ordained, that, the *Cornicularius*, or he that was next to the *Principes* of the Office of the Governor of the Province, should, out of the publick Store-houses, furnish the Officers with Provisions; allow them Gold, as was usual, out of the Tax raised by the *Præfectus Prætorio*; and pay those in Money who should desire it, in lieu of the Provisions in Specie, according as the Market bore. If the Office of *Leontius*, who, before this, had been advanced to be *Præfect* of *Illyricum*, should fail to put this Law in Execution which is directed to him, it sentenced it to fine in fifty pounds of Gold. At the same time *Anthemius* was solicited by those of his District, against the Immunities and Protections which were granted to divers persons, whereby they pretended themselves excused from contributing to the necessary Duty of Amending of High-Ways in all the Provinces, especially in *Bythynia*. He procured an Edict to be directed to himself, for rendering null and ineffectual all such Rescripts and Immunities, and to require Contribution, according to the quantity of the Grounds possessed near the said ways, for repairing them; as also for other Services according to the quantity of the Lands where they were to be discharged. Now was carrying on a magnificent Work at *Constantinople*, called the Baths of *Honorius*, with a stately *Porticus* adjoining. But the Work could not go on to perfection, nor that Grandeur which was intended, without taking in the Grounds belonging to private persons. To make them Compensation, & that great an Ornament and Convenience to the City might not be stopped, an Edict was directed to *Isidore*, the *Præfect* of it; Whereby was made over to such interested persons, a place called the old *Basilica*; to have and to hold, to them and their Assigns, by way of full Right and Tide, there to build.

25. The

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412.

L. 6. de Opibus publicis, Cod. Theod. Dat. 15. Jul. 412.

L. 6. de Fabricis, Cod. Theod. Dat. 15. Jul. 412.

L. 17. de Decurionibus Cod. Theod. Dat. 15. Jul. 412.

L. 17. de Decurionibus Cod. Theod. Dat. 15. Jul. 412.

L. 23. de Erectione Militum Cod. Theod. Dat. 16. Jul. 412.

L. 5. de Ratione Militum, Cod. Theod. Dat. 16. Jul. 412.

L. 1. de Opibus publicis, Cod. Theod. Dat. 15. Jul. 412.

Sect. 3.

Heretians usurping.

In this by his Soldiers.

The Præfect take Notice.

Honorius gratifies the Provincials of Africa in matter of Sports.

25. The CCCCXIII Year of our Lord hath, in the *Fasts*, the name but of one *Consul*, *Lucius*: and sometimes, elsewhere, it is known by this mark: After the ninth *Consulship* of Honorius, and the fifth of Theodosius. The reason, for that *Heraclianus*, who had managed matters so well in *Africa*, against *Avalus*, was named *Consul* with *Lucius*: but, taking into his Assistance one *Sabinus*, his Domestick, whom, being a notable cunning Man, he made his Son in Law, he set up for himself; and usurping, his name was expunged out of the Registers. *Orosius* writes, that he kept back the Supply of Corn, by which the City of *Rome* was wont to be nourished; and thitherward failed with an incredible Fleet, which, by report, consisted of three thousand and seven hundred Vessels; a number, of which, neither the famous *Xerxes*, nor *Alexander* the Great, nor any other King was Matter, that we know by History. He landed his Men, and marched up towards *Rome*; but, in his passage, was opposed by *Marinus*, a *Comes*; who so ordered his matters against him, that he discouraged and put him to flight; so that glad he was to procure a Ship, wherein to fail to *Carthage*; and there, after a short space, the Soldiers, who judge ever of Men according to Success, revolted from him, and flew him. Some say, he was killed by some that were sent from *Honorius*, in the Temple of *Mercury*. *Sabinus* got away safe to *Constantinople*; where having continued not long, he was fetched back, and condemned to Banishment. This Year, as *Cassiodorus*, and others observe, the *Burgundians* siezed on part of *Gall*, lying toward the *Rhine*. For, perceiving their own weakness, they had not any mind to struggle with, or oppose *Constantius*, the Emperor's General, but desired Peace; which he was not averse to grant, left, by an ill success against them, he should stain the Glory of his former Actions. The *Frank* understanding what was done, and taking it in high disdain, that the *Burgundians*, an inconsiderable People, should obtain that in *Gall*, which they, by so many Invasions, had not been able to compass; suddenly gathered together, passed the *Rhine*, and, amongst other Towns, took *Trier*, which they plundered, and afterwards set on fire, not sparing the Inhabitants, of whom numbers were killed, and their Bodies lay unburied, and were eaten by Fowls and Dogs; even of both Sexes.

26. The Provincials of *Africa*, however harraided, yet were of a lighter and jolly humour, if the Rod was removed from their Backs but a little time. They were extraordinarily addicted to Sports and Shows; particularly those that were set forth by the Pagan Priests, who left their own Cities and Provinces, and betook themselves to *Carthage*, the *Metropolis*, where the Pastimes were exhibited in most luxury; and despoiling their own Countries, both fluid land there, and got Houses wherein to inhabit. *Honorius* would not, by any means, spoil the sport of the people there, for which he had provided by several Laws; but, that the other Cities might not be deprived of their Pastimes, by the flocking of their Priests to *Carthage*, he thought fit to give Order to *Fulian*, the *Proconful*; that, These Strangers Priests should depart *Carthage* within five days after the solemnizing of their Games, or before the first of *November*. If any that did not belong to the Court of that City should be found therein after this term, he must incur a Fine of thirty pounds of Gold. But, about the same time he received Information from the *Tribunus Volsperatun* (*Diogenianus* by name, and filed *Vir Clarissimus*, whose work it was at *Carthage*, to preside over the Players, to regulate and govern both the Pastimes, and them that made them, as other *Tribunes* did in other principal Cities) that the people were much offended, for that it had been some time since practised by a Rescript obtained from the Emperor, to set loose and free from that Service, to which they were ordinarily obliged for life, the *Mimicks* that pleased them upon the Stage. He thought fit, so far to gratify the multitude, as to write back to *Diogenianus*, to force and recall to the Service such *Mimes* as had been set at liberty by order of the Prince. He decrees that they be recalled with the greatest Infiance, that, as he said, no wanted Ornament may be wanting to the Pleasures of the People, and no Festival Days. We cannot say whether the displeasure conceived by the people, for loss of their *Mimicks*, contributed to the Rebellion and Usurpation of *Heraclianus*; but if this Rescript was intended to quiet their minds, it came too late, and not till that Tempest was over; being by it hindered from crossing the Seas. For, though it bears date of the beginning of February this Year, it was not received at *Carthage*, by the *Tribune*, till the latter end of February following.

27. But *Honorius* employed his *Quæstor* at this time, in matters more serious and profitable. By Nature he was a great Enemy to the Tricks and Subtilties of the ancient Laws, and maintained a constant War against them. Particularly, as to the

G g g g making

A. D.

413.

Lucius, Consul.

L. 1. c. 41.

L. 17. de Decurionibus, Cod. Theod. Dat. 15. Jul. 412.

Summa Inflationis, Cod. Theod. Dat. 15. Jul. 412.



## Sect. 3.

Sect. 3. making of Testaments, he abhorred the wonted tedious Forms, and the vain and unnecessary Phrases and Words; resolving to give ease to the People, by Allowance of a more Compendious Way. By the old Laws, *Julia* and *Papia*, Husband and Wife, could not make each other their Heir, except they had Children betwixt them. This, ordinarily, they could not do, except they obtained a Dispensation or a Privilege, which they called *Fus Liberorum*, as we have already said, which conferred on them such power, as the absolutely having Children, would have afforded them. And, this privilege was of old time obtained from the People, and afterwards by Rescript of the Prince. But now, *Honorius* ordained, that, if Man and Wife lovingly, and by consent, put up their Petition to the Emperor, and therein included their Testaments, which they prayed might be allowed of and confirmed; such Testament should be of force, provided the Petition could be proved by two Witnesses, although the Prince granted out no Rescript, if he did not expressly deny the Suit: for, as the Rescript would have been chargeable, so it was not convenient that the Emperor should particularly declare his Opinion, lest the full liberty of making Wills should be infringed. Testaments thus insinuated before the Prince in Consistory, he would have to be underfoot valid, and of full effect; both for the ease of the People, and asserting of the Imperial Authority. But yet, it should not be understood that this should take away the Right of any Person, or to prevent just Complaints or Claims of such as the Roman Laws allowed, to except against the Testaments, in which they themselves were passed by.

An Act of Grace for remitting of Taxes.

Act of remission of Taxes.

28. This might well please the more wife and considering sort of people; but shortly after he passed an Act of Grace, which could not but give great content unto the multitude. Being satisfied how much some of the Provinces of Italy had been wasted more than others in the late Wars with the Goths, he had so great respect to their present condition; that for five years Dues in all sorts of Payments and Tributes, he ordered *Fohn* the *Præfectus Prætorio* to exact but one, *viz.* from the Year CCCCX to the Year CCCCXV, remitting and pardoning all the rest, except what belonged to the *Curia publicus*, which was of such consequence, and at this time was in such a condition, that there was necessity to supply it. This plenary Indulgence he granted to *Tuscia*, *Picenum*, *Saunium*, *Apylia*, *Calabria*, *Bruttia* and *Lucania*. Which Provinces had born the Brunt in the late Invasions, but were not joined so as to make up a *Dioecsis*, or further concerned together than as to loss and calamity. This Act of Grace was of greater consequence than another Favour he granted a Month after to some of the *Seriniarii*, who served in the *Serinia*, or Offices so often mentioned. Both *Valentinian* the younger, and also *Acadius*, had given to them all the privilege of entering the *Secretaria* of the Ordinary Judges, or such as were of the Degree of *Clarissimi*, as *Consulares* and *Præfides*, but not of these of the Dignity of *Speiabilitas*, such as were *Proconfuls* and *Vicars* of *Præfects*. But now *Honorius* thought fit to enlarge this privilege to those of them whom they called *Melloproximi*, and others as far as the *Exceptores*; conferring on them the Title of *Clarissimi*, and giving them leave to enter the *Secretaria* of the Judges that were *Speiabilis*, and to fit with them. The *Melloproximi* were, as we have said, that that were to be *Proximi* after two years, while the office of *Proximi* lasted so long, which afterward was made Annual. *Justinian* in his time, or *Tribonian* for him, extended this privilege to all the *Seriniarii* indistinctly. *Honorius* his Hand now being in, to be kind to his Servants, the next day extended the favour he had given ten years before to the *Agentes in Rebus*, of being free from finding *Tirones* and other Burthens; to the *Palatine Officers*, belonging to his two *Treasuries*; the *Adjutors* and *Primicerii* of the divers Offices, who had diligently and faithfully discharged their Duties.

29. As he found reason to be kind to such as faithfully served him, so he had as much to be severe to those that absented themselves, and deserted their Duty. Six days after, he was provoked to send out an order to *Gaisio* the *Comes* & *Magister Militum*, requiring, that such Defectors as without leave discontinued, and lay loitering at home, or in other places should, for the first years neglect be placed below ten Soldiers next under him; for the second or two years, below twenty; for three years below thirty; and if he loitered the fourth, then be cashiered. The like severity was practised in the *Militia Palatina*, as in the *Armata*; but herein differed, that a Loiterer after four years was to suffer Regradation below forty; and then if he still discontinued, his name was to be expunged. While *Honorius* was thus employed in censuring Crimes and Defects, it could scarcely be, but that something should occur about *Africk*. And indeed such fresh complaints

## A. D.

413.

"Vide Lult. de  
Dignitat. Refect.  
p. 11.  
Lult. de Test.  
Libertat.  
L. 6. de Instit.  
p. 11. Cod. de  
L. 19. de Test.  
Honorius. Cod.  
Juli. Dat. 16.  
Cod. Anst. Rav.  
Johanni, P. P. P.

L. 7. de Instul.  
gent. Dignitat.  
Cod. Th. Dat. 8.  
Id. Id. Id. Id.  
a Cod. Juli. ad  
temporaria.

L. 16. de Proxi.  
mis. Cod. Th.  
L. 1. Cod. Juli.  
Id. Id. Dat. 8.  
Id. Id. Id.

L. 10. de Palati.  
nis. Cod. Th.  
L. 1. Cod. Juli.  
Id. Id. Dat. 7. Id. Id.

L. 16. de Defect.  
tor. Cod. Th.  
Lult. de Com.  
muni. Cod. Juli.  
Dat. 12. Id. Id.

## Sect. 3.

Sect. 3. complaints were thence lately arrived, as put the *Quæstor* the same day upon drawing another Edict, directed to *Fohn* the *Præfect*, for the redressing of a Grievance in that his troublesome *Dioecsis*. The Provincials were always supposed obnoxious to the *Metatus*, or Quartering, as there was occasion; but under pretence of what legally was to be demanded, too much was exacted by the Officers, both Military and Civil; the Employments of whom engaged them to be upon the Road more than ordinarily. To prevent which inconvenience, he now ordained, That such Officers as should have occasion to travel, should send no *Menor* or *Harbin* before them, whom, if they so did, it should be lawful to beat or drive away, as the Country saw occasion. Neither should they exact any thing in way of Provision for Man or Horse. If a *Governour* of a Province, a *Surveyor*, an *Apparitor*, or any other Officer should do it, he fines him in the sum of ten pounds of Gold, requiring, that the use no delay, but make as speedy passage as possible; and he threatens him with punishment who shall give or contribute any thing more than ordinary to such a pretender.
The Estate of *Heracianus* confiscated by an Edict.His Acts, as *consul*, nullified.

Theodosius regulates the Precedence of his Officers.

30. By this time *Heracianus* the Usurper was suppressed; and shortly after, in the beginning of *August*, came out the Proclamation or usual Edict in such cases, directed to the *Honorati* and *Provincials* of *Africk*. Herein *Honorius* declared, That having judged him a publick Enemy, he had justly condemned him to be punished, by cutting off his unlucky Neck; and that in the same manner his *Satellites* should be prosecuted. All manner of persons, as well private Men as Soldiers, he invited to discover them, or any of them, and that without fear of Envy, which usually accompanies Informers. And he commanded, that such as had any of their Goods in their Hands, to make known and produce them. Thus was the Estate of *Heracianus* confiscated, which scarcely amounting to the value of twenty *Centenaries* of Gold in Moveables, and in Immoveables of two thousand pounds, was afterward bestowed on *Constantinus*, the Consul of the following Year. But with this censure the Emperor did not think him sufficiently punished. For he having been nominated Consul for this Year, and his Name being inserted into Acts and Instruments, he commanded by another Edict directed to *Hadrian* the *Præfectus Prætorio*, that it should be expunged out of all, both publick and private Writings, and his Memory utterly abolished. Moreover, that what had been done by him should be null and void; inasmuch, that though Leave should not thereby be granted to such Lords as had manumitted their Slaves, of reducing them again into bondage; yet the Act being, as his, void in itself, should be repeated, and the solemnity of Manumission reiterated. Which was wont to be done before the Consuls, when they entered into their Office; and indeed was the chief thing wherein they were employed, as we have shewed in the Policy of the Empire.

31. In the mean time *Theodosius* in the East had no such occasion to employ his *Quæstor* in such Acts of necessary and wholesome severity. On the contrary, he passed Acts of Grace; and being not diverted by Wars or Conspiracies, had occasion to honour and reward such as faithfully served him in time of peace, of which there were such numbers, the vast extent of the Empire requiring it, that about the ordering and regulation of them seldom wanted more Inducements. As persons of Employment, and especially Courtiers, are wont to be much concerned about place and precedence; so especially when idle, and having nothing else to divert their thoughts; and so it happened at *Constantinople* at the beginning of the year, where several of the first Order or Rank of *Comites* justified one another. This put *Theodosius* upon framing a large Constitution for regulating to high a concern, which we find directed to *Priscian* the *Præfect* of the City, though not *Priscian* the Grammarian, as hath been questioned, who taught in this City some sixty or seventy years after. Therein he determined, that the *Præpositi* and *Tribunes* of the *Schole* (as of the *Senarii* and *Gentiles*, formerly mentioned) who were admitted to the Emperor's Table; and had the privilege amongst the Domestic *Profectors* and others, to adore the Purple, as also the *Tribunes*, or *Comes Stabuli*, and they called *Curia palatii*, who oversaw the Emperor's Buildings; if together with their Charges they had obtained, during the exercising of their places to be *Comites* of the first Rank, and perhaps had not been farther promoted, when they left their Offices they should be reckoned with, or made equal to the *Comites* or *Duces* of the Limit of *Aegypt*, and of the *Dioecesis* of *Pontica*, who, after the *Comes* of the *East*, because of the importance of their Charges (the Countries under their Command being obnoxious to dangers) had more Honour

## A. D.

413.

L. 10. de More.  
tis. Cod. Th. &  
L. 1. Cod. Juli.  
Id. Id. Dat. 10.  
Id. Id. Id.

L. 1. de Penis.  
Cod. Th. Dat. 3.  
Non. Aug.

L. 14. de Infirmis.  
his que  
Joh. Tysan.  
Cod. Th. Dat. 3.  
Non. Aug. Id. Id.  
Cod. Juli. ad  
temporaria.

L. 10. de Com.  
muni. Cod. Th.  
Lult. de Test.  
Libertat.  
L. 1. Cod. Juli.  
Id. Id. Dat. 8.  
Id. Id. Id.





Sect. 3. *Larg.* to *Musellus*, the *Præpositus Cubiculi* (under whom was the Oversight of the *Divina Domus*) to the Governors of Provinces in General, and in particular to Governors and the People which had relation to Mines and Quarries. From this it seems intended for the whole Eastern Empire: but however, we believe they had all reason to thank *Anthemius*.

41. And, not only Debtors to the Publick, for this; but Prisoners, and such as were condemned to Banishment, for another Law, which shortly followed in their behalf. When Offenders were sentenced to Banishment by the *Judges*, their Officials were to see the Sentence executed, and till such time the Parties were remanded to Prison. But oftentimes it happened through the Negligence, or wilful Omission of the *Officials*, sometimes of the *Judges* themselves; that, if a man was sentenced to Banishment for a Year, they would let him continue for long in Prison before they conveyed him to the appointed place. This being looked on as a great Oppression, an Edict was directed to *Anthemius*, commanding that, All such should be set at liberty, without any farther punishment, that had fulfilled the time that was appointed to Banishment, in Prison. And it gives this reason, that it is sufficient to have once undergone great Affliction; and that they that have been long deprived of the common Air and Light, and burthened with Irons, should not, again, be compelled to undergo the pain and penalty of Exile. We cannot say that another Act of kindness was to be attributed to *Anthemius*, for it is directed to *Monaxius*, under the Title of *Præfect* of the City; though all other Laws, both of this and the following Years, make him *Præfectus Prætorio*. Hereby he made them acquainted, that, Such as having served their full time, and discharged their duty, had attained to be *Proximi* of the *Scrinia*, *Comites Dispositionum*, or *Magistri Administrationum*, and thereby to the Degree and Dignity of *Picars*, shall not only be admitted from all Functions, and the *Glebalis Collatio*, as his Father formerly had made them; but also, from the seven *Soldi*; which, not only *Senators* that were poor, but some others which were excused from the former Collation, were obliged to pay. If *Theodosius* was so good natured to his Servants, and studied to reward those that had well deserved of him, no wonder that he thought upon his own Sister *Pulcheria*, which Lady being solicitous and industrious for the safety of his Person, and the security of his Estate, to a degree far above her Age: he, this year, on the fourth day before the *Nones* of *July*, advanced to the sublime Degree and Dignity of *Augusta*.

Attalus is delivered up.

42. In the Year CCCCXV, *Honorius Augustus*, now, the tenth time, and *Theodosius*, the sixth, received the Consular Ornaments, and made their Abode as formerly; the one at *Ravenna*, and the other at *Constantinople*. According to *Prosper*, *Attalus* being carried by the *Goths* into *Spain*, was surprized, and delivered up into the hands of *Constantinus*. *Orosius* something more largely saith, that, He took Ship, not knowing certainly how to steer his Course, was taken at Sea, delivered to *Constantinus*, and then presented to the Emperor; who commanded his hand to be cut off, but spared his life; a Sentence full of mildness toward such an Usurper. The *Vandals*, who had formerly invaded *Spain*, grudged that the *Goths* should share with them; and imagining, the Alliance betwixt the Emperor and their King considered, that they should have them their Enemies, resolved, if possible, to prevent it, by sending to *Honorius*, and offering to fight against them. The Messengers advised him, in short, to have Peace with them all, to let them fight it out amongst themselves. They might perish, but he should win: and, if both Nations perished, the advantage of the Empire would be immortal. Indeed, *Procopius* writes, that *Honorius* agreed with *Gunderich*, their King, that the *Vandals* should fix in *Spain*, provided they abstained from all violent and unjust Acts, and would not make use of the Prescription of thirty years against the *Romans*. But, however, *Placidia*, his Sister, took it to heart, that there should be such Enmity betwixt her Brother and her Husband; with whom she often contended, that *Attalus* was to be delivered up, and a good Understanding to be thereby procured. This he could not then obtain; but, when the understanding that *Attalus* was seized, and delivered up, he then resolved to make advantage thereof, and pursue for good an opportunity. Neither, indeed, was *Attalus* averse, being sufficiently uxorious, but readily condescended to what was so justly desired by his Wife. But it cost him dear; for, his *Goths* being quite of a contrary Inclination, when they saw he resolved upon a Peace, which they thought contrary to their Interest and Honour, they murdered him at *Barellona*, and with him, six Sons; as his Epitaph shews, which was found in that City, and exemplified by *Amvrosius Moralis*, in his *Spanish Chronicle*.

Attalus is murdered.

A. D.  
415.

L. 2. de Penis,  
Cod. Theod. L. 23  
Cod. Just. ad  
Tit. Det. 14. C. 1.  
Mali.

L. 1. de Sena-  
torib. Cod. Theod.  
6. 31. Mali.

A. D.  
415.  
Honorio A.  
10. & Theo-  
doso A. 6.  
Coff.

Attalus præ-  
positus cubiculi.  
Gothis cum  
Attulo Patre,  
vide Glesfiri-  
um Gothicum,  
in Notam. Pro-  
p. Junii lib. 1. v. 1.

Sect. 3. nicle. Having made an end of him, they promoted one *Sigerich* to be King in his stead.

43. At the very beginning of the year, *Honorius* was prefaced with heavy Complaints out of the *Ilands*, and all the Coasts of *Dalmatia*, against the *Curiosi* of those Quarters. We have seen how, through their Parts, had lyeen the passage out of the Eastern into the Western Empire; and how all mischief had here, had its entrance out of *Epirus*, *Pannonia*, and other Parts where *Marich* and the *Goths* so long had raged according to the extent of their own Lusts. For this cause were they the more carefully looked to; and *Curiosi* were appointed to observe them, for the defence of the Provincials, that no Enemy should make any Incurfion: but the Remedy proved worse than the Disease: for, great were their Exactions, and so heavy and enormous their Oppressions, that, whereas in times of danger, when they found there so ill Entertainment, that Shipwreck it self would have been little less acceptable; and not daring to commit their Estates and Persons into the hands of these uncertain Friends, they chose rather to abide the Infuls of a known Enemy. This caused the Emperor to signify to *Palladius*, the *Præfectus Prætorio* of Italy, that, For the publick security these Officers should be removed wholly from the those Parts, as he had, the year before, removed them out of *Africa* for the like Employment. And if, for the time to come, any should dare to usurp the Name or reign in Chains to Court, to receive punishment according to the merits of his Cause.

Honorius re-  
moves the Cu-  
riosi out of the  
Ilands.

Takes a new  
course for fill-  
ing up the  
Curia.

44. About this time *Palladius* went out of his Office, and was succeeded by *Senatus*, as it should seem; to whom, toward the latter end of this Month, a Constitution was directed about that often attempted, and never perfected Work of filling up the *Curia* with sufficient Members. So urgent were the reasons for it at present, that they put *Honorius* upon a new Course, contrary to former Law and Custom, except in some extraordinary Cases. This was to oblige all that were born of a free Woman, and such as whose Parents were obnoxious to the Services of Corporations, to follow the condition of their Ancestors by the Mother's side, though their Fathers were no better than Slaves; though *Adors*, or *Procurators* of great Persons. This ran expressly cross to the Authority of the *Senatus Consultum Claudianum*; whereby any free Woman that joined her self to a Slave, became, by that means, the *Anella*, or Slave, of his Lord, with whom she had so unequally yoked her self; and, not only she, but such Children as she bore in that condition. But *Honorius*, though otherwise confirming that *Senatus Consultum*, yet, now was of the opinion, that the indecent Act of the Mother was not so much to be looked at, as the Original of the Son, and the Dignity of his Progenitors; thereby preferring a native and natural respect, before a merely Civil. And he argued from the very thing ordained by that *Senatus Consultum*; that if, by virtue thereof private persons might challenge such as were born of their Slaves, though by free Women, by reason of their interest in their said Slaves; then might the Commonwealth, or the Court, with as much equity, lay claim to those that were born, or proceeded from such as were of their own Bodies. In conclusion, he will have forced back to the Courts and Colleges of Towns and Cities, all *Vacantes*, or belonging to no Societies, all that had betaken themselves to any *Militia*; impose a Fine of five pounds of Gold upon any that shall hinder the returning of any *Curiales*, and no less than burning alive upon any Slave that is an *Actor* or *Procurator*.

Theodosius pro-  
vides against  
the Rapacity  
of Officers.

45. *Theodosius*, in the East, was also presented, at the beginning of the year, with Complaints against the Insolence and Violence of Officers; which was risen to that height, as even to force *Gifts*, *Bargains* and *Sales* from the poor Provincials. We have seen how careful Princes have been to avoid this mischief; in such manner, that they made it unlawful for Governors of Provinces to receive any thing, or to marry therein, during their Administration. Whether the Complaint was against them, or occasion was given by others who were potent by reason of their Factions or Estates, or had many Clients and Dependents (to prevent the Rapacity of whom, *Honorius*, as we have seen, would not permit such to exercise Merchandize: but *Theodosius* now, by an Edict, declared to the people, that, All *Sales*, *Gifts*, and *Transfactions* which were extorted by power, should be void, and of none effect. It is no Incongruity to imagine, that the Rapacity and Violence of the *Cohortales* or Officers of the *Judges* gave especial Provocation to the making of this Law.

H h h

For,

A. D.  
415.

Guizis  
Europa castr-  
is  
Lullibus præ-  
desen datus,  
frendenti ad-  
gust  
Balanis e fimo  
envis quia mu-  
liti fere  
cæpæ, de Ha-  
dianis tellus  
patris an-  
dus  
Squalit inopæ  
prædum dicit  
Claudian, in  
Trajanum a. u.  
35.  
L. 1. de Curiofis  
Cod. Justin. 5.  
11. 7. u. 4. 4. 4  
Cod. Just. ad Tit.  
1. 1. 1. 1. 1.

L. 1. 178, 179  
de Detractionib.  
Cod. Theod. 1. 3.  
Cod. Theod. 1. 3.  
Cod. Just. 1. 3.  
Cod. Just. 1. 3.

Lull. de Contra-  
dictis Rempres  
Cod. Theod. 1. 3.  
Cod. Just. 1. 3.  
Cod. Just. 1. 3.  
Cod. Just. 1. 3.

Sect. 3. For, this very day we find another Edict directed to *Anthemius*; which makes a show, as if some of them had been turned out of their places for such Enormities: It ordains, that, in case any Provincial Apparitor be turned out for any Crime, that he continue out of Employment: or, if he think and endeavour to come in again by petitioning the Emperor, he shall not be readmitted, except the Rescript be first offered to the Prince, or his Successors, and considered of by them. Which Sanction he commands him to publish by his Edicts, to give notice to all Governors of Provinces. When they were justly put out of their places for their Excesses, they were wont, by Complaint, or some clandestine Petition, by means of some Friends, to abuse the Prince, and recover their Employments; to the great detriment of the people, and the disparagement of those that put them out. To prevent this, he will have his own Rescript for Readmission scanned by *Anthemius*; which was, indeed, as *Gothofred* observes, a great Honour to him; and a Favour, which, by his great care and vigilance for him and his Affairs, he had well deserved. But, as the Letter of the Law doth not make it any personal Honour, but to belong to his Place or Seat; so we find, that, about this time, *Anthemius* got leave to take his ease, and lay down, if not the whole care of the State, yet, the weighty and burthenome Office of *Præfectus Prætorio*; this being the last Edict we find directed to him under that, or any other Character.

*Anthemius* lay-  
eth down.

*Anthemius* suc-  
ceeds him.

Who procures  
some Acts of  
Grace and In-  
dulgence.

46. For, immediately after, we find *Aurelianus* promoted to be *Præfect* the second time, and that, of the East, as may be gathered from the many Laws directed to him; who, to this Office of *Præfect*, had the Honour of *Patrician* shortly after added. The first Edict inscribed to him declares a Receiver to be as bad as a Thief, upon occasion of some Ecclesiasticks, who received and concealed things due to the Treasury. And, by his Circumspection, was discovered, that the Provincials made not near so much advantage of that Act of Grace for pardoning the Arrears of forty years, as was expected. For, the Courts of several Cities pretended they had paid before hand many Sums of Money for the Possessors of Lands (as, indeed, sometimes they were wont to do) which they doubted not but to come upon them for, and be repayed, which, as yet, they were not; and therefore, now they sued their pretended Debtors. Hereupon was an Edict drawn up, and directed to him, wherein the Emperor takes notice, that, That Indulgence which he had generally dispersed throughout all Provinces and People, some seemed so to convert unto their private profit and rapine, that those that were formerly publick, were now become private Debtors. Therefore, that the Provincials may experiment his bounty, not in word only, but in reality, he commands, that, under pretence of anticipated Payment, nothing farther be exacted by any Corporation; forasmuch as they have sufficient amends made them by the benefits they themselves receive by that Indulgence, which they endeavour to violate with a Sacrilegious mind. In another matter, shortly after, he procured a Constitution to be drawn, partly to himself, and partly to the *Comites* and *Magistri Militum*, in behalf of poor Tenants and Possessors, whom the Soldiers oppressed by eating up their Grass and Meadows. Therein is declared, that no Possessors contribute more to the Publick, than what the Emperor commands to be paid by disposition of the *Præfect* yearly; and that the Soldiers shall be content with what his bounty allows them. The *Comites* and *Magistri Militum*, under whom were the *Duces*, *Tribunes* and *Præpositi*, he enjoins to let all concerned persons understand, that the Soldiers must not eat up the Grounds of the Provincials, and that a Law was gone out to the *Præfect* for this purpose; to whom he gives in the Inscription the first time, the Title of *Patrician*.

47. But, though the Direction runs thus, To *Aurelian, Præfectus Prætorio* and *Patrician*, we cannot be of *Gothofred*'s opinion; who, in his Notes upon the Law, makes the Dignity of *Patrician* consequent of the other. For, the *Patricians* were a select number chosen by the Prince, out of such of the Nobility as he pleased, to whom he gave the Appellation of Fathers. Neither do we find it but very seldom in the Inscriptions of the Laws given to any; so little probability there is, that it belonged to all *Præfects*, or to *Magistri Militum*, as such; who, at this time, were many in number, several, sometimes, of the same place, in the same year: so that we are constrained, now and then, even to imagine that there were more than one *Præfect* at the same time, over the same District. More true is that Observation concerning the *Præfects* of the Cities, that they were named, and had Precedence before the *Præfecti Prætorio*, as in the Senate, the City, and the *Urbicarian* Regions, it was fit they should. For, we find another Law on the last day of October,

A. D.

415.

L. 5. de Colo-  
ratione, Cod. Th.  
& L. 1. Cod.  
Jus. ad. tit.

Indulgentia ma-  
gis Prætorii  
Præfecti, Ant-  
hemius tunc se-  
di officii alle-  
gandum.

L. ult. de Crimi-  
um peractis,  
Cod. Th. & L. ult.  
Cod. Jus. ad. tit.  
hinc deservit  
Dat. 3. Nov.  
Anat.

L. 10. de Indul-  
gentia Debitum-  
rum, Cod. Th.  
Dat. 5. M. Jul.  
Abst. a Cod.  
Jus. ad. tempo-  
ralia.

L. 4. 5. de  
Præf. Cod. Th.  
& L. ult. Cod.  
Jus. ad. tit.  
De Non. Sep-  
temb.

Præf. Digni-  
tas sequitur alle-  
gium.

Sect. 3. inscribed to *Ursus, Præfect* of the City; *Aurelian, Præfectus Prætorio* of the East; and *Strategus, Præfectus Prætorio* of *Illyricum*, concerning the *Decuriones* of the Palace. There were a sort of dignified Officers within the Court; who, being ordinarily three in number, presided over thirty *Silentiarii*, of whom we have spoken formerly, were wont to be sent by the Emperors, upon extraordinary occasions, to suppress Insurrections; and when he or the Emperors were in their Progress, governed the Cavalcade, or manner of travelling. Now, *Theodosius* lets these three great Ministers know, When these persons shall have served their time, they shall have place amongst the *Adjuces*, as if they had been in that Actual Employment; have the privileges of exalting the Prince, saluting the Judges, or others belonging to that Honour. Moreover, in the Senate they shall be accounted as *Allecti* or *Immunus* from Senatorial Burthens; particularly, that of the *Glebalis Collatio*.

A. D.

415.

L. 1. de Decu-  
rioni & Silen-  
tariis, Cod. Th.  
Dat. 1. Jul.  
Anat. Cod. Jus.  
hinc deservit  
ut in consen-  
sum fessum.

48. The year of our Lord, CCCCXVI, had for *Consuls*, *Theodosius Augustus* the seventh time, and *Palladius*; whom we find by many Laws of this same year, to have been also *Præfectus Prætorio*, as *Ursus* was *Præfect* of *Constantinople*. The *Goths*, in *Spain*, thought that *Sigerich*, their newly promoted King, had been a Man for their turn; but he was also inclined to Peace: and, for that reason they dispatched him after *Atrause*, and advanced into his place one *Valia*, whom some make the Son of *Atrause*. *Valia* is said to have attempted to execute the design of *Atrause*, of invading *Africa*. He got all things ready for his passage at the Straits of *Gades*, and there took Ship; but was seized with so great a Tempest, that, after many Vessels lost, he was forced to return; and then, calling to mind the ill success of *Marich*, in his Attempt upon *Sicily*, he gave over the Enterprize, and betook himself to *Constantius*, who was entering Spain with an Army against him. He went to the *Pyrenean* Mountains to meet him; and, before they met, sent Messengers to him, by which he offered to restore *Placidia*, the Emperor's Sister, and to give Hostages for his peaceable demeanour; provided he might have leave with his people, to fix in *Spain*; and, for his security, receive some of the *Gallick* Nobility as Hostages. *Philostorgius* writes, that *Placidia* was restored, and *Atrause* given up at the same time by the *Goths*; who, in way of recompence, received Provisions from the *Romans*, and a portion of *Gall* to inhabit. Others indeed, write, that *Atrause*, when he was dying, commanded that *Placidia* should be restored, and that six hundred thousand *Modii* of Corn were sent to *Valia*, King of the *Goths*; whereas a Supply had been promised formerly to *Atrause*, and he made the Non-payment thereof a pretence why he did not restore *Placidia*. Great need there was indeed, that he should make an excuse for not giving up his own Wife. As for the *Goths*, their receiving part of *Gall* to inhabit; that must have been some time after.

They murder  
Sigerich, their  
King.

*Valia*, his Suc-  
cessor.

A. D.

416.

*Theodosio A.*  
-& *Palladio*  
Cons.

*Jornandes* de  
Reb. Geticis.  
3. Sigerich  
chris.  
et 451.

L. 11. c. 4.

*Olympiodorus*  
apud *Plutarchum*.

49. *Constantius*, no doubt, was welcome to *Honorius*, as well for his own sake, as the Lady's whom he presented: but this was not till toward the latter end of the year. At the very beginning thereof, the Emperor was put upon thoughts how to maintain those Wars which he saw there was no probability to avoid. Besides the ordinary Indiction of the usual Payments, he had been forced to lay a *Superindictum*, or some Over-charge, upon the Provinces. This was no new way, but sometimes happened when the necessity of Affairs required: but, some there were, who being ordinarily excused by Privileges, from extraordinary and fford Payments and Services, now refused to contribute to this Over-charge; as being in the number, and of the nature of Extraordinaries. So it had happened in the Reign of *Constantius*, the Example of whom *Honorius* now was constrained to follow, by mollifying and taking away the harshness of the word, Calling it a *Superindictum*, and a Canonical Payment: and commanding it should not be looked upon as an Extraordinary; so as all Houses should be subject to it, and no Privileges be admitted; whether they belonged to his own Patrimony, were held in perpetual Right, or appertained to private Persons. He had intelligence, shortly after, from *Constantius*, out of *Gall*, that, upon the *Goths* quitting that Country, there were risen amongst the Natives heavy Suits and Contentions. For, when the *Barbarians* invaded the Provinces with Fire and Sword, some fled their Countries, but others met together, as they could, in Companies, and lived as well as they might in Bodies, like *Banditti*, or *Tories*; falling down, as they could, into the adjacent places, and making bold with what they found for mere subsistence, although it belonged to their own Friends and Countrymen. This was practised upon such occasions, both in *Gall* and *Spain*; and these Assemblies were called *Bagaudæ*, which was a Name given from the times of *Diolephant*, to such Companies of poor miser-

*Honorius* put  
to this for  
raising Money.

L. 2. de Indictis  
et 451. Cod.  
Jus. ad. tit.  
De. 7. 14. Jus.

H h h a

table.



Sect. 3.

Pastes an Act  
of Oblivion  
for Gall.

rable Country People as got and united together, sometimes driven to that extremity by the cruelty and oppression of the Judges. Now *Honorius* taking into consideration the late distressed condition of the *Gallick* Provinces, and of what force necessity is, when life it self lies at stake, thought fit to make an Act of Oblivion for such injuries done upon the Barbarick Depopulation, as he terms it. And he directed a Rescript to *Constantius* with the Titles of *Comes* and *Patritian*, whereby all Processes in such cases were ordered to be stopped, and no challenge to be made for any thing to taken away, except the thing to taken could be proved filled in being amongst his Goods that took the Booty, or that person that was sued. "

50. The great Ambition and Avarice of Officers was now taken notice of ; they were no longer out of a profitable Employment, but they would labour and make shifts to get in again. The Roman Government was ever jealous of long continued power in persons that had jurisdiction, and not only during the Commonwealth, which would have her Officers annual ; but since the Monarchy and perpetual Dictatorship. For Princes, though their own Authority was not circumscribed with any narrower Bounds than those of a natural life, yet they would not permit Provincial Magistrates to be long in Office. The reason was, left they should have too much opportunity by acquaintance and interest, to make disturbances ; or by too well understanding their Trade, to make greater advantage of their places, than the Good and Commodity of the Provincials would bear. And yea Magistrate may have too little time to be thoroughly acquainted with the state of his Province, if it be large. It is true, the Concernments of a particular City, Town or Place may be soon discovered : but those of a large District, a Diocese or Jurisdiction wherein must be great variety of Interests and Humours, could not so quickly be discerned. A fennie of this caused the ancient Romans to continue a power over a Province to him, as *Proconsul*, the second year, to whom as *Consul* it had been committed the precedent. However, as they that are upon the place can see more than those at a distance ; and experience is not at all to be run down by arguments ; the Emperors, though they might make use of their power to dispense with the custom when and where they saw fit convenient, yet kept up to the Maxim of having the term of an Administration but short ; and when once it was at an end, of not having it again renewed. But at this time the Rule was much broken, not only some persons being by the Prince his knowledge and provision suffered to reassume their Offices, but others creeping in again by slielter courses. To put a stop to which, *Honorius* now declared in an Edict to *Palladius*, the *Prefect*, that if any should endeavour to renew his power of *Proconsul*, of *Vicar*, *Consularis*, *President*, of *Comes Disjunctissime*, or *Auditor*, or of *Prinsep*s of an Office, his whole Estate should be confiscated. Now this is understood to be meant of the same individual Office ; not that a Man might not be *Proconsul*, *Vicar*, *Consularis* or the like, in another Country.

Leit. ad legem  
Julian de An-  
don. Cod. de  
D. ad. Inter.  
Apost. a Cod.  
Jusl.

**Prohibits re-  
petition of  
Officer.**

Wearied with clamours of the *Curie*, he calls back their Members.

51. He was now more brisk than ever with such *Curiales* as had left their families, that complaint which was never wanting to disturb his Ears; If any such could be light on by those of the Body, he gave them free leave, in case the Governour of the Province were not at hand, to lay hold on him, and carry him before the Magistrate, who under pain of ten pounds of Gold to be paid by him, and as much by his Office, was to finish the proceſs, and give sentence for, or against him (that he was bound to the Duties of the *Curia*) within three Months. This for the time to come. And in reference to what was past, if any had beaten himself to any *Militia* or Office, he should forbear and maintain a sufficient Deputy in his room, otherwise be forced back himself, though he served in the Army; for which purpose he gives *Palladius* directions, that Letters be written to the illustrious the *Magistri Militum*. At this time he also refrained the charge and trouble of unnecessary reporting causes to himself, declaring to *Palladius*, that no suggestion or relation should be made to him by complaint of one of the parties only. For this was to renounce the method and course of Law; and when report was to be made to the Prince, both *Plaintiff* and *Defendant* were to have Copies thereof delivered to them, and there to make their objections or additions as they law convenient; an offender in this point he will therefore have condemned as to costs, and lose his cause. This he also gave in charge to *Palladius*, and being finished, he gave him order in the *Curia*, he farther gave him order in this same Constitution, without any condition or mention of any Substitute or Deputy, about four Months after the other Law, to call back to their Courts whatever *Curialis* was in the Army, amongst the Attendants of the *Præfectus Prætorio*, or in any *Palatine* Offices or Services.

52. This

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416.

L. 14. de Infirmis  
his quæ sub Ty-  
rannis, Cod. Th.  
Dat. Cal. Mart.  
Abest a Cod. Just.  
ut temporaria.

Lult. ad ligens  
Juliam de Am-  
bitu, Cod. Th.  
Dat. Id. Mart.  
Abest a Cod.  
Just.

L. 181. de De-  
curionib. Cod.  
Th. & l. 54. Cod.  
Just. eod. tit.  
hinc desumpta.  
Dat. 5. Non.,  
Maii.

*Lult. de Relationib. Cod. Th.  
Dat. 5. Id.*

Nunquam ad  
unius litigato-  
ris querimoni-  
am nostris Alta-  
ribus suggestio  
offeratur, &c.  
L. 147. de Decu-  
rionib. Cod. Th.  
Abest a Cod.  
Fuss.

### CHAP. III.

Sect. 3.

Still labours a-  
gainst Oppres-  
sions.

### Prohibits Go-

*Theodosius vex-  
ed with the  
Agentes in Re-  
bus makes va-  
rious Laws a-  
bout them.*

52. There may be said of those Imperial Laws which are now extant, that the general tendency of them is to answer Complaints, and remove Grievances, and not either to enhance the Revenue, or heighten the severity of the Government; though had there been more such, we should have had what in *Theodosius* his Code. Yet in absolute Monarchies, where the Princes raise what Money they please, and their bare Edicts have the force of Laws, they are wont to have few about them that plead for the poor People, and make known their Complaints; the more usual course is to put them upon extravagancies; to cry out, that the People are too rich, that this will make them rebellious, and therefore they are to be not only clipped, or heared, but scraped, that some of the Wool may fall to their own shares. Yet the Body of the Civil Laws convince us of another fashion at Court in those days, though the times were otherwise very bad. The Emperor was now again informed, that such Officers as were sent into the Provinces to exact or raise Tributes, were wont to stay there a long time, under various pretexts, but with design to abuse the People. He commands *Palladius* in order to prevent it, that "what Officer soever, from what Magistrate soever he be sent, to raise what Revenue soever, shall within the term of a year return with his Accounts unto the Judge; wherein he shall make known what hath been exacted by his diligence, how much remains in arrear, in whose hands, and by whose fault or procurement it is still unaided in the Province. If after that a year be expired, this *Robber*, as he calls him, stick still in the Bowels of the Country, he shall be turned out of his place, and the chief of that Office of which he was member, shall fine him ten pounds of Gold: And if he refuse to depart, he shall be sent up in Chains by the *Apparitors* of the Provincial Judge, together with his Accusation; and it shall not do him any service to urge, that he was put upon some other Business or Employment; it being unlawful to be *Exactor* twice together in the same Province." By this care he took to restrain those oppressions, *Honorius* could not but ingratiate himself with the Countymen in the Provinces, and at a distance from *Rome*. But whether he did not quite lose the favour of the Inhabitants of that City, he made this year, we cannot but question. How dear both the Fashions and Persons of the *Goths* and *Barbarians* were to the people at this time, we have already said. Nothing so ingenious and gay as what they wore; none so witty and *adroit* as the servants that could be procured out of these Nations; a ridiculous (but useful) sign of impendent slavery from these *Barbarians*, after whom they ran a madding. Once more *Honorius* resolved to attempt to stop the humour by a third Law directed to *Probianus Prefect* of the City, whereby he forbade long Hair, and Cloaths made of Skins to be worn in the City, so much as by Slaves. If a free Man should do it, he should incur a Mulct, and if a Slave be condemned to some publick Drudgery. Concerning Skins we have seen already sufficiently out of *Claudian*, that they were the Wear of the *Goths*. And as for long Hair, they who are any whit conversant in the Antiquities of the *Franks* and other Northern Nations, know it was esteemed a great (nay, a Royal) Ornament; contrary to the opinion of the *Romans*.

52. *Theodofus* at the beginning of this Year had some trouble given him about the *Schole* or Company of *Agentes in rebus*, which stood in great need of purging, For it was now made (however it came to pass) the *Asylum* and Refuge of lewd and idle persons; culpable as to their lives, and ignoble as to their original, even such as were sprung from the very dregs of Slavery. This Year before, the matter had been under consideration, and the Emperour had referred it to *Helio*, the *Magister Officiorum* to make Inquisition after Offenders of this sort, and remove them: but whether he thought it not then feasible, or rather too odious a thing for him to undertake, considering the great power of some of the *Agentes*, and the animosity which was seldom wanting to them, *Theodofus* then approved of his resuming the cause, so as though the *Magister Officiorum* might visit the *Schola*, yet he should have power of turning out, or disbanding, without his own especial order and authority. This by an Edict he then judged most agreeable to the Dignity of the Company; but now this Year being wearied out, as it seems, with Complainrs, and either not willing to be troubled himself, or desirous to make short work of what he knew was not to be excused, he returned back the whole power to *Helio*, both of visiting the *Schola*, and examining and turning out as he should think convenient; so as by removing all evil members, the Society might recover its former esteem, and be filled

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416.

L.9. de Exstir-  
torib. Cod. Th. 8.  
L.3. Cod. Just.  
cod. tit. Dat. 10.  
Cal. Octob.

Ipsa satellitibus  
 bellis Roma  
 parabat,  
 Et captiva pri-  
 us quam capi-  
 rent, erat.  
 Rutiliis, qui  
 hoc vel proximo  
 anno scribent.  
 L. ult. de Habitu  
 quo uti oportet  
 contra urbem,  
 Cod. Tb. Dat.  
 Irid. Id. Decemb.  
 Abest a Cod.  
 Fust. ut localis  
 & temporaria.

17. de Agri-  
bus in Rebus,  
ed. Th. & l. 2.  
ed. Just. cod.  
t.  
18. ejusd. tit.  
habet a Cod.



Sect. 3.

people, and their Supply; while, in the mean time, either he or his *Quæstor* made too bold with his Maker in the wording of the Constitution. For, declaring that, if any one should obtain a Rescript for himself for employing another Infanticide, this Rescript should be void; he is so bold as to say, *If they should obtain it from his Altars*, as being some God upon Earth. But, such Sacrilegious Terms as *Namen Nostri*, and the like, being formerly used by Pagan Emperors, were still retained or admitted by these Christian Princes: which some delively reckon among the Crimes of this Age.

He makes a Law for the better Supply of Rome.

59. The end of the year *Honorius* closed by a Constitution, made for the better supply of *Rome* with Provisions; of which, ever and anon, some scarcity was alleged, since such time as the Fruits of *Egypt* were diverted from it, and appropriated to the Supply of *Constantinople*. We have formerly hinted, that in the *Portus*, or Haven of *Rome* (eighteen miles distant from it) were Granaries, wherein the Corn was laid up till it could be conveyed to the City. And, for this Conveyance there was a Company or Body of Watermen upon *Tiber*, known by the name of *Candicarii*; and those, called *Mensores*, who measured the Corn when it came into Port, and when it was delivered out, to be carried up to *Rome*; besides other Officers. Now, these several Companies had their Overseers and Masters, whom they called *Patrons*, several in number; but so, as three were of more Authority than the rest: out of whom one was chosen, who, for a certain time, had the chief Administration in his hands. This Administration *Honorius* now would have continue for five years in the hands of two such, as the Bodies of the *Candicarii* and *Mensores* should chuse, in like manner as the *Patrons* of the *Bakers* and *Smiths* had their power. And, whereas they were wont to cheat the Citizens by changing the Corn, and obtruding upon the Bakers such as they bought very cheap, in the room of the good Grain which was imported; he commands, that the Chief Patron send out privately his Patterns or Samplers of the Corn to his Colleagues, to prevent the obtrusion of any such unwarrantable Commodity. If such Master, or principal *Patron*, rightly and truly discharge his trust; by virtue of this Law, he declares him, at the end of his five years, to be Comes of the third Rank, without any need of procuring the Dignity by *Cohort*, or the Prince his Letters. On the contrary, if he proved false, he condemns him to the loss of his Estate, and to serve in the Bake-house in the meanest capacity, or place of the greatest drudgery. But, to add more privilege than punishment, for the encouragement of these *Patrons*, he exempts the three Principal of each Body from the jurisdiction of the *Præfectus Annonæ*, to which they did properly belong; and will have them only subject to the *Præfect* of the City, in Criminal Causes. Further, because the *Apparitors* belonging to these two *Præfects* were too often wont to wrong and abuse the *Bakers*, either by committing the same fault as the other did; or, when they brought in good Corn, exacting something of them in way of recompence: When they could be convicted of such Oppression, he condemns them to the perpetual drudgery of the Bake-house.

It is first re- strains the Acting of the Dux of the Limit of Cæsarea, called *Præfectus*.

60. *Theodosius*, this year, was in great Repose at *Constantinople*, which could be little interrupted by some Complaints that were made to him out of the East, against the *Dux* of that Limit, which formerly was called *Comagena*, and now *Esphragensis*; famous for the three Cities thereof, old *Ninive*, *Hierapolis* and *Semesta*. The Complaint was, that he burdened the Provincials, by exacting of them Wood and Materials for private Baths, contrary to a Law made some eleven years ago, by *Acacius*; who forbade the practice to all *Tribunes*, and inferior *Comites*, in general; constraining them thereby, if the *Procurator* of the Emperor had not Materials for them, to betake themselves to the publick Baines. Now, the *Dux* of the Limits coming under the Notion and Appellation of inferior *Comites*, he so far confirms his Father's Law, as, by an Edict directed to *Monaxius*, the *Præfect*, To condemn this *Dux* to restore double of what he had exacted, and to abstain from such illegal Acts, under the same penalty, for the time to come. But, this was not all the fault that was found with this person; he was farther accused for burdening the Country, in transmitting of Lyons to the Court. The Reader can hardly be ignorant how, since the time that *Quintus Mutius Severus* began the sport, in his *Cornu Abutry*, it had been the custom for the Magistrates and Emperors to delight the people, among others, with the bairing of wild Beasts; as Lyons, Leopards, and the like, in the *Circus*, or *Amphitheatre*. This being one of the greatest instances of the *Roman* Magnificence, Princes would not permit these Beasts, which were destinated to the publick Shows, to be hunted in the

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417.

Supra titum  
scripsit de  
negis Attici  
his titulis.

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vinces by any but the *Duces* of the Limits, and their Officials; and, when any Magistrate was to exhibit them in their Games, they could not obtain them but by the leave and munificence of the Emperor, and his Letters. Indeed, it was lawful to kill Lyons, or other sorts of Beasts, when the safety of the Provincials required it; and so *Honorius* declared three years ago, that the security of the Subject was to be preferred before his own Pastimes. In an Edict inscribed to *Maurianus*, then *Comes Domestiarum*, and *Vice-Agent*, or Deputy of the *Magister Militum in Africa*.

61. For, in that Country was plenty of Lyons, Leopards and Panthers (as at this day) which it was formerly unlawful to hunt and take; though, as for Bears, it was free, in these times, for any one there to do it. And, in the Tracts about *Esphragensis* and *Mesopotamia* they also abounded, to the great terror and detriment of the Inhabitants; if it had not been for the great Swarms of Flies and Gnats, which fell upon the eyes of the Lyons, allured by their splendor; and put them to such pain, that, with their paws, they endeavoured to remove them, and thereby pulled out their own eyes, as the Reader may remember out of *Amianus*. Now, out of these Regions the *Duces* of the Limits were wont to send up these Beasts to the Court at *Constantinople*, to be baited there, as the Emperors had occasion to make these Shews; and the Cities, through which they passed, were obliged by Law, or by Custom, to defray the Charges of them, and the Officials of the *Duces*, who conveyed them. But, in any City they were not to continue above seven or eight days at the most: which term was indulged, because often in Winter they could not conveniently travel. This seven or eight days, they of the Province *Esphragensis* changed into three or four Months, and all the while exacted what Money they could for finding of the Beasts; particularly, in the City *Heliopolis*. This now, by another Branch of the same Constitution, *Theodosius* declares to *Monaxius* to be contrary to the Custom; and commands, that Those that are sent up to Court by all the *Duces* of the Limits, shall stay in the Cities no longer than seven days at farthest, upon pain of a Fine of five pounds of Gold, to be incurred by the *Duces* and their Officers.

Valentinian the third born.

Prodigies accompanying his Birth.

62. The *CCCCXVIII* Year of Christ succeeds, wherein *Honorius Augustus* the twelfth, and *Theodosius Augustus* the eighth time were *Consuls*. The former made his abode all the year at *Ravenna*, and the latter at *Constantinople*. This year, on the third of *July*, *Placidia*, the Emperor's Sister, and Wife of *Constantinus*, was, at *Ravenna*, brought to bed of a Son, who was called *Valentinian*, and reigned in the West after his Uncle. And, as if great Revolutions were portended to happen during his Reign, the same Month, the ninth day, about two of the Clock, happened a great Eclipse of the Sun; which several Authors mention, but none describe so accurately, as *Philostorgius*. So greatly failed the light of this Luminary, that Stars appeared in the Heavens; and so great a Drought followed thereupon, that it drew after it a great Mortality, both of Men and Cattel. At such time as the Sun was eclipsed, there appeared a certain Brightness in the Sky, of a Comick form, which some, out of ignorance, termed a Comet, though it had neither any Tail, nor so much as any Rays, neither resembled any Star; but, as a Flame arising from some Candlestick. Besides, its Motion was altogether different; for from the Equinoctial, it passed toward the West by the left Star in the Bear's Tail: and, when it had, in that manner, compassed the Heavens, then disappeared, after it had continued its Progress more than four Months. The Light it cast from it sometimes arose, as Flame doth, by degrees, to a great height; and sometimes exceeding the Magnitude of a Cone, again was reduced to the bigness thereof: nay, it was represented to view in several other shapes, which were far different from those that are commonly seen. It lasted well nigh, from the middle of Summer, to the end of Autumn; being a Forerunner of many Wars, and of an incredible Slaughter of Men, in the Opinion of the Relator; who, to this of the *Xiphias*, or *Astrum Xiphoides*, adds the History of another Prodigy. The year following (some say, this present; others, the preceding year) there were dreadful Earthquakes, accompanied with fire that fell down from Heaven, which seemed to cleave asunder, and put Men out of all hope of escaping, although they were more feared than hurt. For, by the Mercy of God, a great Wind arose, which drove the Fire into the Sea; and, strange it was to see Streams of Fire overwhelming the Countries like many Waves, which presently again were quenched in the Water. During the Earthquakes, in many places, the Roofs and Panes of Buildings opened at the top, with great noises and cracks, so that they that were within could behold the Skies; when suddenly, again, they would come together, and unite, as firmly as if they had

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L. de Præfatu  
us firam Cod.  
Theod. 1. 5. tit.  
11.

L. de Præfatu  
Lum. Cod. Theod.  
1. 1. tit. 11.  
L. de Præfatu  
Lum. Cod. Theod.  
1. 1. tit. 11.

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418.

Honorio. A.  
12. & Theod.  
1. 1. tit. 11.  
Conf.

L. 12. c. 8. A.  
pud Plotinum.

SecT. 3. never parted asunder. The same happened to Floors and Pavements: and many Granaries let down Corn upon the heads of them that dwelt below, and put them in fear of being overwhelmed; but, all on a sudden, the Chinks and Holes would again close; so that such as saw it, not would admire whence or how the Corn could come thither. After this manner *Philoforgius* related these Earthquakes to have happened; and from the dreadfulnefs and strangenefs thereof, concluded all Earthquakes, not to proceed from any natural Cause, as Water or Wind, but merely from the Will and Hand of Almighty God, for the Conversion and Amendment of Sinners.

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418.

63. As it doth not belong to us here to dispute about Causes or Effects of such extraordinary *Phenomena* of Nature, so, this we know, as to matter of fact, that dreadful Wars, and great Destruction of Men followed, not long after these Prodigious. And, although we hear of no great Motions about this very time, yet, so grievously, of late, had the West been wasted, and such loss of Men happened thereupon, and so little hope but that these mischiefs might suddenly again be renewed, as that it put *Honorius* upon making a Law about Testaments, which scarcely any thing but the Iniquity of the times can make altogether excusable. Formerly, though a Testament had been made ten years, or more, before the death of the Testator, yet notwithstanding, it might be of full force and effect; for that it was supposed to be the last, after which there was no other in being; and the Man not expressing any alteration of his Will, it was presumed he was still of the same Opinion. But now, *Honorius*, by an Edict inscribed to *Palladius*, the *Præfectus Prætorio*, declared, All Testaments made before ten years to be null and void, or absolutely antiquated: and his chief reason alleged is, for that the death of the Witnesses may, within that space of time, take away all proof of them. Considering the extreme danger Men were continually in, there was now cause to have such an Apprehension, the Lives of Mortals being now as uncertain and lubrick, as at any other are their Wills, Affections and Desires; which, in the space of ten years, may well be presumed very various and inconsistent. *Fufinian* afterwards abrogated this Law, yet he did not quite invalidate the sense and meaning of it: for, though he would not have a Testament therefore antiquated, because it was of ten years date, yet would he have it invalid if it could appear, though but imperfectly, that the Testator, after the making of it, was of a contrary opinion: So that he thought that, although in such a number of years, such a Will did not fall; yet, however, it did, as it were, reel and totter. Others have adjudged, that, in a latter Testament there is no need of any derogatory Clause, if ten years had already intervened from the making of the former, Oblivion of it being presumed from the lapse of so long a time. And *Honorius* would have a *Chirographum*, or Bond, to be renewed within the space of ten years. But, from what he ordains concerning the Date of ten Years, we may learn, that at this time the *Day* and *Consul* were wont to be set to Testaments, as otherwise it also appears; although, in the Reign of *Constantine*, it was not necessary.

64. However dangerous were the Times, and the Lives of Men brittle and uncertain; the consideration thereof procured so small Abstinence, and so little Contempt of Wealth, that now again this Emperor was constrained to repress the greediness of begging Courtiers, to the covetous Appetite of whom, the Affairs of *Africa* gave some Provocation. This he did by reviving, and confirming a Law he had made fourteen years before, by virtue of which such persons could not enjoy any Estates or Goods so begged before they had been incorporated, as the word was, or seized by the Treasury, and relation thereof made to the *Comes Rei Private*, as an Inventory being had of the said Goods. But, whereas that Law did otherwise, quire, that by a second Petition they should again be obtained by the Prince, he now so far dispensed with this second Grant, as to make it suffice if a second Address was made for them, to the said *Comes*. This he declared in a Constitution directed to *Largus*, the *Præconsul* of *Africa*; and thereby provided also for his own Revenue, as by other Branches thereof, he consulted for the security of Possessors, against the Avarice of these gaping Courtiers, and also, the Treachery of Informers. Against the first he further enquired, that, Whether a simple Rescript was only obtained for an Estate, to which the *Questor* only subscribed *Questor Legi*, or a special Admonition, as it was termed, or *Admonitio Sacra*, when the Emperor, with his own hand signed the Paper: in both cases a sufficient time should be granted to the Possessor to defend himself, either in Person, or by the Intervention of his Agents, *Ballivi* or *Tenant*.

65. If

SecT. 3. 65. If the begged Goods were in any Transmarine Province, or in *Africa* an whole year, for coming to Court, and applying themselves to, and making defence before the *Comes rei private*; and six Months, if in any Neighbouring Province, that the accused, besides their defence, might have sufficient time to settle their other matters before their Journey. And if it so happened, that by the tricks or arts of the Petitioners they were hindered from prosecuting their Journeys, as it seems, was no ordinarily practised in these corrupt times; so as within the year, or six Months, they could not come to Court, no Prescription should be good against them. But in case the party himself were alive that owed the Goods, he positively declared, that none should beg them, except, he was convicted and condemned for some certain crime. As for Informers, he would have them produced in Judgment by the Petitioners before the Petition had any effect. He declares, that none shall make himself Informer the second time, without danger to his own person; and if he dare to do it the third, he shall be certainly punished. How *Theodosius* his Father thought fit to punish them with death, though their Informations were true (for he would have them heard) we have formerly shewn. But so careful he was of the interests of private persons, and at the same time neglected not the complaints of some whole Countries, the Grievances of which he had more opportunity to understand than he could do the Burthens of those that lay beyond the Seas. The Province of *Campania* in *Italy*, and two *Subarcticarum* Regions, as he calls them, *viz. Picenum* and *Tufcia* complained, that by reason of Mischiefs arising from the late Wars, there were many Lands which lay deserted, and consequently could collate nothing to the publick Tributes. In answer to this, he wrote to *Palladius*, the *Præfectus*, That without any difference made of Grounds, in consideration that *Campania* had of old born a more heavy burthen than others, and had lately been wasted by an incursion of the Enemies, meaning the *Goths*, it should pay but a ninth part of such payments as it was wont: and *Picenum* and *Tufcia* should pay a sixth seventh, on this condition, that all Complaints should cease concerning any deserted Grounds.

66. As *Honorius* his *Questor* was not much burthened this Year with penning Laws, so less was his Brother's *Questor* at *Constantinople*. There *Theodosius* was moved by complaint of the Cities to call back to the services of the *Curia*, such as by *Codices* had obtained the Dignity of the *Clarissimus*, and being *Senators*; This Work from Corporations seldom failing, whatever any other did. This Dignity in an Edict directed for this purpose to *Monaxius*, *Præfect* of the *East*, (wherein he tells him, he had also written to the *Præfect* of the City) he calls an incongruous fortune for such to aspire to, though other Princes sometimes thought otherwise, and various were their inclinations, as to the Honours and Functions of the *Curiales*, as we have sufficiently seen. But as we found his Uncle very munificent and charitable in relieving the oppressed, and remitting part of the Tributes that were due to him this Year, though we find him employed in a contrary course, we cannot but think him also well employed; for if Princes do not receive as well as remit, all their Subjects must fare worse for it. Besides the persons of Merchants who were subject to the *Collatio Lusralis*, it seems, there were also certain things or Lands that were obnoxious to that payment, possibly granted to the *Possessors* under that condition, or else because bought with Money, which was gained by Merchandise or Traffick. These things we find in the hands of persons of greatest Dignity at this time; but such were the occasions of *Theodosius*, that he forbade *Monaxius*, that any Merchant or Possessor of such things whatsoever, that were obnoxious to this Collation of Gold, should either out of trust to any Patronage, or confidence, by reason of the highest Dignity, think himself excused from that Function. No, though they pertained to the House of the venerable Lady and Empress his Sister *Pulcheria*, or the other most Noble Sisters of his Piety. *Pulcheria*, who had formerly for her great Widow and Diligence been made *Augusta*, was afterward married to *Marcian*, and had an House in *Constantinople*. The other Sisters were *Arcadia* and *Marina*; *Flaccilla* being thought by some to be dead before this Year, and older than *Pulcheria*. They also had Houses in the City, mentioned in the old description of *Constantinople*. And they had also the Title of *Nobilissimæ*, that of the *Nobilissimæ* being wont to be bestowed by the Emperor's on their near Relations; but yet in another sense than was that of *Nobilissimus Caesar*. *Gothofred* would gather from this Law, that at this time persons of great quality practised the Trade of Merchandise in the East,





Sect. 3. return to Theodosius, by the last Constitution he made this Year, he commanded *A. D.*  
*Atius, Prefect of Constantinople*, (who the year before escaped narrowly a stab, which pierced his Gown and Coat, from one that pretended to reach him a petition) that all the Lime-kills which were upon the Strand, or Sea-shore, betwixt the *Amphitheatre* and Port of *S. Julian*, (named by the Emperor *Justin* the Port of *Sophia*, after his Wife) should be removed, both for the wholsomeness of the most ample City, and the vicinity of his own Houses; so as none whatsoever should be permitted to burn Lime in these places.

72. We come now to the Year of our Lord CCCCXX, to the eight Consulship of *Theodosius Augustus*, and the third of *Constantius*; wherein *Honorius*, as formerly, held his Residence at *Ravenna*, and besides, what we have said already this Year the *Persian* War was carrying on; and besides, what we have said already concerning the Military Preparations made by *Theodosius* for the Field, he thought of other ways for securing the Empire against the crafts and violence of the Enemy, of which *Constantinople* itself, and therefore much more the remote and frontier Parts, had great apprehension. By an Edict directed to *Monaxius*, he gave leave to all his Subjects inhabiting through the Provinces of *Mesopotamia*, *Osrhoene*, *Euphratesis*, *Syria Secunda*, *Phanicia*, *Libanensis*, *Cilicia Secunda*, both the *Armenia*, by the *Cappadocia*, *Pontus Polemoniacus*, the *Hellaspont* and the rest, where need was, if they so pleased to fortify and incircle their Grounds with Walls. It had formerly been free for private persons to fortify their Houses, but with Restrictions; so now in a case of so imminent danger, he gave indefinite and general leave. But in our own Country, both before and after the *Norman* Conquest, multitudes of Castles were erected, and almost every private Man, if not with Stones, yet would fortify his House with Water, the Moats being still remaining in most places. But as in time of danger that may be granted, which at other times may it self prove dangerous, the wisdom of after Ages thought fit to demolish these little Holds, neither will the public safety permit, that every one may build Castles at his pleasure, except it be in the Air. By the Constitutions of *Spain* it is forbidden either to build, or repair them, without license first obtained from the King. But nowadays there seems no great need of any prohibition in this matter, since the times that Guns and Gunpowder are found more effectual against Heaps of Stone, than Bows and Arrows, or any other wooden Engines. But for the Law, of which we were speaking, the same reason that made *Theodosius* enact it, caused *Justinian* afterward to retain it, and to put it into his Code.

73. And the same happened to another Edict which *Theodosius* published this same Year upon the same occasion. *Socrates* writes, as we lately heard, how one cause of the quarrel with *Persia* arose from their taking away the Wares or Goods of the *Roman* Merchants. And we cannot say, that the Merchants were so justly served, for importing into *Persia* things that had been prohibited. But on the eighteenth of September we find an Order directed to *Eustathius the Prefect of Prætorio*, wherein *Theodosius* signifies, That he had decreed, that no Counterband Goods, or any unlawful Wares should be transported to Barbarous Nations. These Wares were, as we have formerly seen, either Instruments, or Materials conducing to War, things whereby the *Barbarians* might be armed against the *Roman* Empire, or else Commodities that would sustain and nourish them in any Hostile Actions, as Money, Wine, Oil, and such like. It is true, Commerce had not been utterly forbidden with *Persia*; but it was confined to certain places, as the Reader may remember, out of which it was not lawful for *Roman* Subjects to traffick. Now the better to prevent this mischief, several sorts of Officers were appointed to watch at the Ports, besides the *Comites Commerciorum*, who had, under the Disposition of the *Comes Largitionum*, the chief inspection of this Affair; sometimes *Palatines*, sometimes *Protectores*, and otherwile the *Officials* belonging to the *Duces* of the Limits. Before these *Protectores* or *Officials* the Emperor gives express charge, that all Mariners or Masters of Ships make Notes in the presence of the *Defensors* of the places, what Goods they have aboard, and whither they are bound; moreover, that they have not been oppressed, or forced to pay more than was due (as often it happened through the avarice of Officers) and of this Act thus made, the Original shall be delivered to the Master or Mariner, and a Copy remain in custody of the *Defensor* of the place.

74. For the CCCCXXI Year of our Lord, *Eustathius* and *Agricola* were Consuls. *Honorius* this Year made his Abode at *Ravenna*, and some alteration in the

Sect. 1. the direction of Laws. For now did he promote *Constantius* the *Comes*, *Magister Militum*, and *Patritian*, who had deserved so well of him in the Wars against *Ulfurpers* and *Barbarians* for the space of ten years, who had married his Sister, and been thrice Consul, to the highest Title and Dignity of Emperor. He himself had no Children to whom he could leave his place, and finding the times very troublesome, and to require some other person to assist, he could not pitch upon a more deserving, no, nor fitting person, he having also a Son to continue the succession, on whom he conferred the Dignity of *Nobilissimus*; and sent the Picture of the new Emperor, as the custom was, to *Constantinople*. Four Constitutions made this Year bear the name of *Constantius*, joined with the other two Emperors; or four several Laws, as they are now divided, which made up one and the same Constitution, designed to check the avarice and rapacity of such as gaped after the Estates of other persons. For this purpose *Honorius* gave in command to *Palladius*, the *Præfect*, who exercised this Office for seven years together, that if any forfeited or elcheated Lands or Goods had remained in the Hands of any persons for the space of five years, this should be a Bar against any Petition or Begging, as it was wont to be against the Treasury it self. Wherein he was not yet to exact as the old Law had been, and that which *Justinian* approved, which allowed of four years Prescription to be sufficient. As for the Estates of such as were put to death for Crimes, he prohibits all begging of them, but commands that they be confiscated, except, by the Humanity of the Laws, they be to be left to their Children or Parents; which Humanity is only denied to that of Treason.

75. But yet, more particularly, because the Importunity and Oppression of these Beggars was intolerable, he made a distinction of Persons, whose Estates were so begged. Some, possibly, were yet alive; but not seldom hurried to Condemnation before he expressly forbids, that any thing belonging to persons alive, be begged, except they had already undergone Deportation, which always drew after it a Prescription of Estate. He had formerly ordained, that none should move him for any thing possessed by any person, but such as were convicted and sentenced; but now he thought fit to extend this further Indulgence to all that were not yet banished into Islands. But yet, though the Possessions of such deported persons might be begged, he still put this Restraint upon Petitioners, that they should make no request for any such Goods or Estate, till two years had passed after such Deportation. And again, he will not permit that any beg more than the Estate of one single person. Then, whereas it was often practised to grant away the Estates of those who would not appear upon Summons, he also forbids this practice in Civil Actions, for this reason, because the Interest of private Men is only concerned in them; and in Criminal Causes, the fame of the Parties is only hurt. Neither, if a person who had contracted with a public Officer, denied the bargain, and failed to perform it, should therefore the Treasury fall upon his Estate, or any part of it. Then further, as to the Estates of dead Persons; if they left no Heirs, they might be begged, but not else, if any Kindred at all was remaining: Yet, if, before their death, they were not convicted after a public Impeachment; but only, after their death, were said to have committed such Offences, he forbids that their Estates be petitioned for; as the Crime, for the Punishment, ending with the Party. And, if they were impeached before their decease; yet, if their Estates were not first confiscated, he commands that they be not begged. In the last place, to curb the boldness of Informers, he ordains, that they be produced in Judgment before the *Comes Rei Private*, or any Grant of the Accused his Goods be made, without any Caution or Bail to be allowed; and, if they cannot make good their Impeachment, they shall be punished as *Calumniators*. However, he relieves that, after the Petition made, the Possessor of the Goods or Estate shall have a year's time to defend himself, besides what was formerly said of the Bar allowed him, in case he could plead five years Prescription.

76. These Laws, as we said, bore the name of *Constantius*, as well as others; but, as *Honorius* thought he had power enough to prefer him to the Dignity, *Theodosius*, it seems, thought he had as much reason to deny it, and to reject his Picture, sent upon that occasion, according to the Custom. For, this he did, as *Philostorgius* related, and *Olympiodorus* wrote, that the Messenger who was sent to him about the Election of *Constantius*, was neither admitted, nor received by him. *Philostorgius* affirmed, that *Constantius*, as highly concerned in so great an Affront, prepared

## Sect. 3.

Theodosius mar-  
ries.

prepared by War to be revenged, but died in the Preparation. *Olympiodorus* wrote, that by the Grief he thence contracted, he fell into a Dis ease, which fo far increased upon him, that, when he consulted how he might maintain that Title by force, which, in a peaceable way, he had obtained, he died of a Pleurisie, in the seventh Month after his Promotion, and that in the City of *Ravenna*; as some say, it had been foretold him in a Dream. *Theodosius* might possibly be the more averse to the Promotion of *Constantinus*, because now, he relieved himself to marry, and hoped to have issue, wherewith to provide sufficiently for Succession. For, this year, he took to Wife *Eudocia Africa*, the Daughter of *Leontius*, a Philosopher; who had educated her in the Liberal Studies, wherein she was very eminent. Her first name, as *Socrates* writes, was *Athenais*; which *Atticus*, the Bishop of *Constantinople*, at her Baptism, changed to *Eudocia*.

Honorius hath  
hopes to reco-  
ver Spain.

77. For the Year following, or the CCCCXXII, no Subjects bore the Title of *Consuls*, but the two Emperors themselves; *Honorius* the thirteenth time, and *Theodosius* the tenth. *Honorius* continued his Abode at *Ravenna*, and *Theodosius* at *Constantinople*, as formerly. *Honorius* had now some hopes of recovering *Spain* to his Obedience; Experience having taught, that the *Vandals* might be overcome, as the *Goths*, before their Retreat into *Gall*, had, not long since, made apparent. He had two excellent Commanders at this time: one *Cassinus*, who was *Magister Militum*; and one *Boniface*, a *Thracian*, now the *Comes Domesticorum*, and of *Africa*: both whom he resolved to employ in this War; that the one with Forces by Land, and the other with a Fleet from *Africa*, might, with equal Power and Command, carry on the design. And, at first there was an happy Understanding betwixt them, which produced such Effects as promoted the Interest of him that sent them; for, they got into their hands *Maximus* and *Frovinus*, who formerly had usurped, and fought once or twice against the *Vandals*. But, not long it was e'er Ambition and Emulation, which most commonly happens amongst those of equal Command, put a bad Conclusion to so good a Beginning. For *Cassinus* grew so proud, that he would not own *Boniface* for his Equal, and *Boniface* scorned to acknowledge him for his Superior, and departed with his Fleet; and, coming to the Port of *Rome*, thence sailed into *Africa*, where, as in his own Province, his Authority was chief in Military Matters. The *Vandals*, who formerly, could not sustain the shock of both, when conjoined; thought they might now grapple with a single person: from despairing, they became resolved; and, renewing the War, through the imprudence of *Cassinus*, gave a great Defeat to the *Romans*.

he redresseth  
some Grievan-  
ces in Africa.

78. Whether by the desire of *Boniface*, to gratify his Province before his departure; or at the complaint of the Provincials themselves, we know not; but, toward the latter end of *February*, *Honorius* granted a Pardon, or Indulgence of certain Debts owing in the Proconsular Province of *Africa*, as also, in that called *Cyrenaica*; which was larger, and contained more Ground than the other, as appears by the Account of the Acres and *Centuries* of each Country. He was as ready to rescue poor and honest Men from the Rapacity of some Creditors, who, at this time, preyed upon them in so unreasonable manner, that a large Constitution was, at the beginning of *July*, directed to *Fohn*, now *Præfect* of *Italy*, for Retrefs of so great a Grievance. Some of them, because they had not Strength and Authority enough themselves, would transfer their Actions upon Persons of Place and Employment, who thereby could strike greater terror into miserable Men; and make them submit to unreasonable Terms, rather than contest them. This he forbids, upon pain of Creditors their losing their Debts fo made over. And, it having formerly been Law, and so declared by *Claudius*; as also, by *Diocletian* and *Maximilian*, he now enforced it; and the Law-makers of the Barbarous Nations, afterward, thought also fit to establish it as such to their Subjects. It was too ordinary for persons to commit money into the hands of Slaves, Agents and Bailiffs, for the use and improvement of the Lands or Possessions, as was pretended, though it was formerly, by the *Pretorian Law*, forbidden; which now, *Honorius* fo far confirms and reinforces, as to declare all such money forfeit, except their Masters had given exprefs and particular Order and Instructions as to the borrowing of it, and the quantity fo borrowed, according to the said Law. Indeed, if such Bailiff or Officer was not obnoxious to any Accounts belonging to his own Master, the Creditor might have an Action *De Peculio*, or against fo much as such Slave or Bailiff had of his own, distinct from the Estate and Goods of his Lord.

79. It was become a practice, that when a Suit was commenced for Money owing,

A. D.

421.

A. D.

422.

Honorius, 13.

Theodosius,

10. A. A.

Consul.

L. de Indul-  
gentiis debitorum.  
C. de Indul-  
gentiis.  
C. de Indul-  
gentiis.  
C. de Indul-  
gentiis.L. de Alio-  
nibus patet  
translati, Cod.  
de Indul-  
gentiis.  
C. de Indul-  
gentiis.L. de Quod  
jussu, Cod.  
de Indul-  
gentiis.L. de Quod  
jussu, Cod.  
de Indul-  
gentiis.

## Sect. 3.

Provideth that  
Women be  
not chaced  
before or af-  
ter Marriage.

ing, the Money should be sequestered into the hands of some third person, to keep and preserve it: which practice did more promote the ends of covetous and griping Courtiers, than tended to any publick Advantage. And, now *Honorius* utterly declared against the necessity of such Sequestration, as founded neither on Law nor Equity. For, the Law required that the Plaintiff should first found and prove his Intention, and Equity would not permit that the profit of the thing should be taken from him that was in Possession; and, that in a Suit or Action, one should begin with Execution; that he who was neither heard, judged nor condemned, should, for a time, be spoiled of any Interest or Concern, as he was by virtue of Sequestration. Therefore, before the Party should be convicted, or Sentence given, he would not have the Money taken from him, as neither regularly can other Moveables before Judgment, except in certain Cases; as where the faithfulness of the Possessor is suspected as to keeping of the thing in Controversie, and he refuseth to give Caution: When the Chastity of a Woman is questioned, till the Tryal is over, and some few others. But farther, our Emperor was so great an Enemy to these unjust Vexations, that he would have no Goods or Possessions of any Man seized for the Debts of another Person, whether publick or private. And, because the Avarice of such as begged Estates could, by no means, be obviated by any Prefcript; yet he sufficiently repelled them, how powerful soever at first they were thought. Whereas he lately had granted to the Possessor of such Estates a years time to defend himself, which expired, the Beggar might have been admitted: Now he thought fit to assign and prefix to such Petitioner also a years time, within which, if he did not make good his pretensions, he should not only fail of his design, but be condemned in the Costs and Expences of the Suit. This Edict was published and exposted in the *Forum* of *Trajan*, toward the latter end of *August*, being directed to *Proculus*, the *Comes Rei private*.

80. Some accidents happened about this time, which caused this Emperor to take notice of certain inconveniences, to which Women were exposed in their Marriages. Now was observed, what has ever since been too ordinarily practised, that Tutors and Guardians disposed of such Maids as were committed to their trust, more for their own ends than the advantage of the Virgins; and often contrary to the purpose of their Fathers, though they had contracted them before their death. *Honorius* thought this so unreasonable, and tending to such mischief, that considering the frailty and inconsiderateness of young Women, how ready they are to cast away themselves, by a Law directed to *Marianus* the *Præfectus Prætorio*, he expressly commanded, that if a Father had proceeded so far before his death, as to betroth or contract his Daughter, this Contract should hold firm and good, notwithstanding any thing done by her *Curator* or Tutor to the contrary; nay, though she herself being adult, should consent to the rescinding of it. This he ordained in case of a Contract or Betrothment made by the Father, which is not to be extended to a simple designation, purpose or designment; for the Guardian in several cases might recede from, or croll the designation of the deceased Father, if the interest of his Pupil did require it. The Emperor was further informed, that Women were often hardly dealt with by the Heirs of their Husbands, to whom having often brought a large Dowry or Portion, they were wont to defraud them of it, as belonging to the Estate of the deceased, or to his Children. Hereupon he thought fit by the same Constitution to settle the matter of Dowry in respect to the deceased, both of Wife and Husband. If the Husband died before the Wife, the Dowry or Dowry which he brought with her should return to her entire, so as the Heirs should have nothing to do with it. If so be the Wife died before the Husband, the *usufructus* of it should remain to the Husband as long as he lived, but the propriety to the Children they had betwixt them. And if the Husband had returned back the Dowry of his Wife before her death, this returning it back being to be esteemed no other than a Donation betwixt Man and Wife, which the *Roman Laws* expressly forbade; her Heirs should restore it back to the Husband with all the profits since the day it was returned; it being reasonable, that he should have the advantage of the Dowry, who sustained the charge and burthen of Matrimony. In conclusion for all this, *Honorius* will not have the Sons deprived of such Estates, though made over before Marriage, as came by their Fathers. Here to avoid confusion, must be known, that by the *Roman Laws* understand that which the Wife bringeth to her Husband in Marriage, otherwise called Marriage Goods. But that which the hath of her Husband after the Marriage resolved, if she outlive him, they term *Donatio propter*

K k k k

Nuptias;

Sect. 3.

*Nuptias*; or a Donation in consideration of a subsequent Marriage.

81. From these matters we must pass to the Coast of *Theodosius* at *Constantinople*, and see how Affairs there stood, in reference unto War and Peace. And the War we find still depending with *Perfia* at the beginning of this year, though to the advantage and encouragement of the *Romans*. We have heard from *Socrates* in short, what the Achievements of *Arcoindus* were against the *Persians*, and how the Attempts of *Vitanius* succeeded against the *Saracens*, the good prosperity of both whom were presently, as he saith, conveyed to the Emperor *Theodosius* after this manner. He had one *Palladius*, a Man of extraordinary Endowments both in body and mind, and especially of such ability in Riding, that in three days time he would post to the Borders of *Perfia*, and in so many more return to *Constantinople*; nay, he would to the other parts of the Empire pass with that expedition, that it was said of him, that the *Roman* Pace, which was large of it self, he made straight and narrow by his celerity; and as for the King of the *Persians*, he was astonished when he heard of it. However, the *Roman* Emperor when he received intelligence thereof, was not so puffed up with the Victory, but that he was willing to embrace a Peace; and for that purpose, sent away to the Borders one *Helio*, whom he very much esteemed. *Helio* undertook what he commanded, and proceeded as far in his Journey, as the place where the *Romans* had intrenched themselves, and thence he sent *Maximinus*, an eminent person, and the Colleague of *Aradurinus*, as a Commissioner to conclude the Treaty. He, when he came to the *Persian* Court, told them, he was sent, not by the *Roman* Emperor, but by his Lieutenants to make a Peace; for *Theodosius* was ignorant of the War, and would esteem lightly of it, should he once come to the knowledge of it. The *Persian* King was ready enough to receive the Embassy, and good reason, for his Army was almost starved in the Field; but his ten thousand Soldiers, whom they called *Immortals*, adorned above all others, with golden Chains, and precious Stones, persuaded him, that he should not have thoughts of peace, till they had first made an Attempt upon the *Romans*, who were at present utterly unprepared to make resistance.

82. The King observed their Directions, and presently committed the Messenger into custody, and sent these *Immortal* Men to work their will against the *Romans*. They marched away, and dividing into two Parties, by this stratagem intended to circumvent part, at least, of the *Roman* Forces. And they so far surprised them, that thinking them to be no more than what was contained in one of these Parties, they willingly sustained their Charge, till a certain Captain being sent by *Procopius*, one of the principal Officers, to make a discovery, by good providence from an Hill saw in how great danger his Friends now were, and fell upon the Backs of the *Persians*; so as the Besiegers were befieged. The *Romans* in conclusion utterly defeated this Party, and then fell upon the other, which designed to lie as a Reserve, which they also cut in pieces, and thereby proved those *Immortals* to be but *Mortal* Men. The *Persian* King, when he heard of the success of his bold *Immortals*, received the Message as utterly ignorant of what had passed; and told the Messenger, that he would not yield to the *Romans*, but yet embrace the Peace, and demanded wherein he might gratify him whom he had found most prudent of all the Empire. By this means not only the War which had been undertaken for defence of the Christians was put to an end in the thirteenth Consulship of *Honorius*, and the tenth of *Theodosius Augustus*; but the persecution raised against them in *Perfia* utterly ceased. Other Writers speak of a Victory obtained over the *Persians* on the twelfth of September of the foregoing Year, or the Consulship of *Eustathius* and *Agriola*; and they agree, that in this Consulship of the Emperors, peace was made. *Socrates* further adds, that for this Victory, in praise of the Emperor, many learnedly wrote, and published their Writings to the World. And amongst the rest, the Emperess her self being an ingenious person, wrote a Poem concerning this Argument in Heroick Verse. But the Soldiers returning from the Expedition, and being to be quartered in *Constantinople*, a question arose, whether those persons, to whom were assigned the Towers which belonged the new Wall drawn through their Grounds, and lately mentioned, were to afford Quarter in such cases as well as others; and the reason of the dispute was, because in the Edict made concerning that matter, they seemed only liable to annual Repairs. But *Theodosius* now on the third of March declared, That such Towers ought to be obnoxious to receiving of Soldiers, either returning from the Expedition, or going to the Wars, on the first Floors, or those next to the

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Sect. 11. 7. c. 19

Idem l. 7. c. 20.

l. 13. de Men-  
li. Cod. Th. de  
l. 1. Nov. Men. et  
l. 7. Cod. Jul.  
id. tit.

Peace made  
with Persia.

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the Ground; neither ought the Possessors of them to take it ill, seeing that private Houses were also subject to this burthen.

83. It concerned him to take care for Soldiers, by the care and endeavours of whom, he and all his Subjects enjoyed in quiet what they had. For this reason, the *Roman* Laws gave them privileges in many things above all other Men; particularly they in their Expeditions might make Testaments which should be in force without the usual and requisite Solemnities, and though by the Laws all Fathers had their Sons as long as they lived so fully in their own power, that, not very much unlike slaves, though called *Liberi*, whatever by their labour and industry they got or acquired, they acquired it for their Fathers, who alone had the propriety of it; yet what Soldiers saved of their pay, or otherwise got as Soldiers, they had propriety in it, and peculiar to themselves, it being called *Castrense Peculium*. Now though the Soldier seemed (especially in Martial times) chiefly to deserve this encouragement; yet afterwards when what was got by War, was found to need preserving by Civil Ways and Methods of Peace and Laws, it was thought fit also to confer like privileges on such Gown-men as did preserve and govern what the Sword-men had obtained. The Girdle was first the Badge and Ensign of Military Men; but at length by degrees it was worn also by *Palatine* Officers, by Magistrates of Provinces, and Lawyers who had a *Militia* of their own, and were said also *Militare*: last of all, Ecclesiastical Persons assumed the Girdle, to whom though it seems now peculiar with us, yet in the Neighbour Nation it is still worn by the Advocates, and the Kings Counsellors, as they are called. And as these persons received the Badge, so also the Emoluments of the *Militia*; as the Shadow or Circumstance, so also the Substance. For, in imitation of the *Castrense Peculium*, it was first granted to these that were *Præficti*; as to *Governors* of Provinces, *Proconsuls*, *Presidents*, and all others, who being placed in divers Dignities and Administrations received Salaries from the Prince, to have and enjoy such sums of Money, or other advantages they had got in their places to themselves, as they might dispose of them by Testament; and this was called *Quasi Castrense Peculium*.

84. So stood matters before the time of *Constantine*, by the ancient Laws and Constitutions of Princes. Afterwards that Prince thought fit to grant the privileges of *Quasi Castrense peculium* to all his *Palatines*. And after such time as the *Præficti* Prætorio came to such height, that they were esteemed in a manner Kings without Purple, the same privilege (as several others to those about them) was granted to the *Advocates* that pleaded in their Courts. *Theodosius* this Year finding things in this posture, was easily inclined to be kind to, and confer on the *Assessors* or *Assistants* of Governors of Provinces the same Prerogative. But *Augustus*, though he first of all assigned Salaries out of the publick Revenues to *Præsidents* of Provinces; yet took no care for their *Assistants*, who were paid by the Magistrates out of their own Purse, till *Valentinian Niger* assigned them Salaries to remove the burthen from those they assisted; and that for this reason, because a Judge ought neither to take nor give. These Salaries or any other profits they honestly made of their places, *Theodosius* now thought good to ascertain to them, that they might have as much propriety in them, as after the death of their Father; and that they might challenge and recover them to their own use, as their own Estate. And further, by the same Constitution directed to *Eustathius* the *Præfict*, he told him, that not only in his Court, but in all other Courts of Justice, such as were of that Profession, or were *Advocates*, and had Fathers living, should after their death obtain, as a *Quasi Castrense Peculium*, whatever they had got by it, or by occasion of it. Now as by their Profession they got their *Feet*, or *Honoraries*, as they were termed; so by occasion of it they received Presents from the Emperors, which, as New-years Gifts, they were wont to bestow on deserving persons on certain days. But whereas this Constitution speaks of their coming to the possession of their *Peculium*, after the death of their Fathers, it hints this to us, that all that had this privilege had not power of making a Will before their Father's death, but only came to the full possession afterward of their *Peculium*; so strict and severe were *Romans* in keeping up paternal awe and reverence. But afterwards *Julianian*, to all those who had the Right of *Quasi Castrense Peculium*, gave this Indulgence, also of disposing of it by Testament before the death of their Fathers.

85. The common Concern of Learning will not suffer us to pass by another Edict, and the last of this Year, directed by *Theodosius* to *Florentinus* the *Præfict* of *Constantinople*,

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l. 2. de off. offi-  
c. Cod. Th. l. 1.  
l. 1. 12. de l. 1.  
Cod. Jul. cod.  
l. 1. de l. 1. c. 1.  
Id.

l. 3. de Polli-  
tando, Cod. Th.  
l. 1. de l. 1. c. 1.  
l. 4. Cod. Jul.  
de Advocatis  
disciplinam pa-  
diculorum offi-  
disciplina offi.

## Sect. 3.

*Constantinople*, in consideration of the merits of *Macrobius*, now the *Præpositus Cubiculi* of the Emperor. This *Macrobius* is rationally thought to have been no other than *Aurelius Theodosius Macrobius*, the Author of the *Saturnalia*; for that this Author lived at this time, all generally agree, and the last name of all was wont to be taken in Inscriptions for the proper name of the Author, as *Macrobius* is here; the times do very well agree, and in the Title, or Frontispiece of his Book he hath given him the Title of *Julianus*, all which do very well suite with the wording of this Law. Besides, the Author of the *Saturnalia* confessed himself born in another Climate than that of *Latinum*; and that therefore the Vein of the Latin Tongue might not always possibly assist him, whereby may be very probably gathered, nay, presumed that he was a Subject of the Eastern Empire, and naturally spoke and wrote *Greek*. But for his sake, as the Emperor declareth, (though he was not his Tutor, nor brought him up) did he now make the *Præpositus Cubiculi* equal with the three superior Dignities of *Præfectus Prætorio*, *Præfectus Urbis*, and *Magister Militum* (as we have formerly said in our *Apparatus*, or view of the Polity of the Empire) though formerly he was below the *Consistorian* Comites. Of these four, each should take place as he was preferred, whether in saluting (or adoring) the Prince of which we have formerly written, or in solemn Feasts and Meetings as these belonging to the Consuls, Assemblies of the Provinces, or Salutations of the Judges, whom some had the privilege to kiss. But this is on condition, that they be in their proper Habit, or the accustomed Dress: for to every Dignity were Habits and Ornaments appropriate, without which, whoever came to any solemn Assembly, was neither fit, nor wont to be admitted, especially in the presence of the Prince.

Theodosius still  
retained  
Circumstances.

86. In the *Fasts* or *Registers* of the Year *CCCCXXXIII*, *Aclepiodotus* and *Marinianus* are found to have obtained the Dignity of Consuls. *Honorius* still continued his Abode at *Ravenna*, and *Theodosius* staid at *Constantinople* till the Month of *August*, and then removed to *Eudoxiopoli* for some time. While he continued at *Constantinople* at the beginning of the Year, he considered how Countrymen were obliged by the Laws to provide Provisions for his Palatine Servants, or Money in lieu of them, which certain Officers being left to exact, very much oppressed the People. Therefore he gave order to *Aclepiodotus* the *Præfectus Prætorio*, as well as Consul, that to prevent this oppression, he should cause these Provisions to be valued, and taxed in Money, as those of the Soldiers were wont to be. And because many now adays refused to contribute toward the repairing of Bridges, pretending it was a sordid Employment, or Contribution, he declared to the said *Aclepiodotus*, that it should not be taken for sordid, being such, as together with the making of High-ways were dedicated by Inscriptions, even of great Princes. Therefore would he not permit that any sort of persons should refuse to contribute to these Repairs, no not his own Houses, or these belonging to his Patrimony, nor the venerable Churches. And he commands the *Præfectus*, that to the end that High-ways be conveniently looked to, as in ancient times; this Law shall be intimated to the Judges of all Provinces, without any respect had to any Reverence or Dignity. The *Persians* and other Enemies were at present quiet; but none could tell how long they would so continue; and therefore as for the publick security, it was requisite that Bridges and Highways should be kept in repair, so, more especially that the Borders should be well defended. To this end many Castles, as we have said, were placed upon them, and the Grounds belonging to them were of ancient times assigned over to the Soldiers belonging to these Borders and Castles. But also at this time private Men, or Soldiers who did not belong to the Castles and Borders, by some means or other got these Lands into their possession. To reform which Abuse, he now declared, That such persons should found upon them should both forfeit their lives, and undergo the loss of all their Estates. And this he signified to *Aclepiodotus* by the Title of *Præfectus Prætorio*, and Ordinary Consul.

Provides for  
the strength of  
the Borders.

87. Hereby he did Justice to, and obliged these Soldiers whom it most concerned him to gratify; and by another Edict directed to the same person much about the same time, he could not but please the best and most ancient Military Men, making a distinction betwixt them and the Juniors, or ordinary foot. For whereas of late years it had been the custom for the Provincials, instead of Soldiers Cloaths, to pay Gold into the Emperor's Treasury, he now orders *Aclepiodotus* to pay of this whole Receipt, five parts to his most valiant Soldiers, as he calls them, and the sixth to the *Gynaecarii* (whose work it was to make Cloaths) wherewith they in

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Lib. 1. pref.  
Magist.  
Edit. Laguardi  
Bavarian.

Laude Præ-  
fecti facit cubi-  
culi, Consul, lib.  
5. tit. 8.  
L. 1. de off. Jul.  
hinc interpretata  
est, restituta popu-  
lari parte. Edit.  
8. lib. Novem.

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Aclepiodotus  
Magist. &  
Marinianus  
no Cons.

L. 25. de Eri-  
gationibus  
viri Annas &  
L. 1. de Jul.  
consul. Edit.  
cal. Mart.

L. ult. de Puni-  
mentis, Cod.  
Th. & L. 4. Cod.  
Jul. de priv.  
dem. orig. & L.  
7. de sacris Ec-  
clesiis, Dat. 15.  
cal. Mart.

L. ult. de detris  
L. ult. de detris  
Th. & L. 2. Cod.  
Jul. de justis  
improbiis,  
Dat. Nov. Mart.

L. 1. de Milita-  
ria, Cod. Th.  
& L. ult. Cod.  
Jul. de detris  
Dat. 7. Jul. Mart.

specie

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Gratifies his  
old Soldiers.

*specie* should furnish those he terms *Juniores* (*Thrones*) and *Gregarii*. This he did, because he had more belief of the care and prudence of his best Men, than of the fresh-water and foolish in such cases. Yet he had more confidence in Soldiers, than he had in some Civil Officers at this time, if we may call them Officers. There were, as seldom wanted, great complaints now against such as attended the Governors of Provinces, and by name, against those they called *Domestici* and *Cancellarii*, which grew so continual and importunate, that he expressly forbade, That any Judges should carry such with them into their Provinces, or receive any commended to them for that Name and Employment, under pain of Infamy, and a Confiscation of Estate. But that by care of the *Primates* of the Office, the *Cancellarii*, or Chancellors, should be chosen, (out of the Body of the Officials) and placed with the said Governors; but so as for three years they should not depart out of the Provinces, after their audience expired, that they might be exposed to the Accusations of the Provincials, if need should be, and to detect the faults or corruptions of the Judges, and that by being liable to the Question or Torture.

L. 3. de offi-  
bus, Cod. Th.  
lib. 1. tit. 12.  
& L. 2. de offi-  
bus, Cod. Th.  
lib. 1. tit. 12.  
Cod. Jul. de  
offi-  
bus.

88. These *Domestici* were a sort of Attendants on the Judges, even Military as the *Duces*, as also on the *Principes* of the *Agentes in Rebus*, not for the dispatching of publick, but private Acts. And there were many things common to them with the *Affessores*. Both of them were forbidden to buy, or receive any thing by way of free gift, in the Province of that Magistrate to whom they belonged. They were both prohibited to marry any living in that Province. The Thefts or Rapines of both were to be restored four-fold. But they were to be chosen according to this Law, whereas the Magistrates themselves might chuse their *Affessores*; only the *Domestici* belonging to the *Principes Agentium in Rebus*, was chosen by the Prince himself, and might twice execute the Office, which to the other was unlawful. The *Cancellarii*, or Chancellors, so called in this Law, were, as originally, so now, of mean condition or quality. It is evident from *Agathias* and *Cassiodorus*, that they had their Name from the *Cancelli*, *Latice*, or through pierced and carved Walls and Doors, of which in the *Secretaria* or Courts of the Judges they had the care. For besides the *Velum* or Hanging in these *Secretoria*, there were such Partitions of Wood to keep off the people, through which, when occasion was, the multitude might look, and if the case required it, the *Velum* only drawn, would intercept their view. Such was their Employment, as *Cassiodorus* describes it, to which other Authors sufficiently attest. As they were entrusted with the *Secrets* of the Magistrates, by degrees, and in process of time they were employed in greater matters, than to keep the Doors, and by little and little their Name or Title came to be given to the greatest Officers of State, after the decay of the Western Empire, who, as ashamed of the original of the word, were willing to admit another derivation, not from the *Cancelli*, but a *Cancellando*; from cancelling what was done amiss by Princes after they had looked over their Acts and Writings, and giving order in what was to be done. Indeed *Cancellarius* (*Cancellare*) is used in the Art of regulating Bounds and Limits of Grounds, so as to delineate or draw lines oblique and transverse; and so in cancelling or blotting out Writings, the pen is wont to be so carefully carried, as to make such Shapes and Images of Lines as were in carved Walls or Doors, or the *Cancelli*. But whether so great Officers of State could probably receive their name from undoing, rather than doing, from obliterating rather than ordaining, let those consider who think it worth their while to amuse themselves in the Inquiry.

Vide Præfatus  
Instit. &  
Goth. lib. 1.

Vide L. 1. tit. 6.

Thrones in his  
last Year  
makes Acts of  
Grace in be-  
half of Pro-  
vincials.

89. This was the last Year of *Honorius*, and he began it well by amplifying an Indulgence given by him to the *Urbicarian* Regions. He had formerly granted a pardon throughout these Regions for all Arrears due for such *Annonæ*, or such *Provisiones* as were wont to be paid (for maintenance of Soldiers, and other persons, the service of whom was necessary to the Common-wealth) to the Recit of the illustrious, the *Præfectus Prætorio*. Now he thought fit to extend it to what was payable to his two great Treasurers themselves, either *Largitionum*, or *Rei private*; for he would not have such Lands as were holden in the way of the *Emphyteusis* to be excepted from this Indulgence. Now take notice, that these *Annonæ* which were paid throughout all the Provinces of course, are by all means to be distinguished from these *Annonæ* which were paid in for the Provisions of the Emperor's own House, by those Provinces of Italy which had the name of *Annonaria*, upon that occasion. This Constitution is singular, and alone in this, that

L. 14. de indultis  
genuis Ditionis  
viri, Cod. Th.  
Revisio & L. 1.  
Fidei, Aug. &  
imp. p. 1.

at





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Some Laws  
made in his  
time without  
Note of time

as that of *Theodosius*, but without any Characteristical Note of *Consuls*, or day, or month. One of these we cannot but take notice of, as made in favour of Illustrious Persons, and respect to their Dignity. This excuseth them from giving in Bonds, or putting in Bail, either in a Civil or Criminal Action; but requires of them a Juratory Caution or Oath: which, if they neglect, and, contrary to the said Oath, they and their Proctors be absent; in Civil Matters the Judge shall proceed according to Law; that is, to put the Plaintiffs into Possession. In Criminal Causes they shall be denied all Privileges arising from their Dignity, as perjured persons, and left to what the Law ordains for other persons in such cases. But, except the Sentence of the Judge be passed in Writing, they shall not be bound to any Appearance. "For, the Wisdom of these Times thought fit, that Sentences should be read or recited out of a Writing, as thereby more solemn and certain, and not subject to the extraordinary Extravagance of a Judge. That this was made by *Honorius* we cannot say; but the Subject of another persuades us that it was ordained for his Western Part of the Empire, which stood most in need of Soldiers; and consequently, had the greatest reason to see that they should not be defrauded of their Provisions. In order to this the Emperors ordain, that, if their Corn and Provisions be drawn off to serve the ends of others, such as traffick for them, if of greater Quality, shall undergo Proscription with the loss of all their Goods; and if of meaner condition, shall forfeit their very Lives."

A. D.

416.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

## SECT. IV.

## The Fourth Step to the Ruin of the Empire in the West.

From the Death of *Honorius*, and the Government of *Placidia* and her Son, to the Irruption of *Attila* and the *Huns* into the Empire.

Containing the space of Nineteen Years.

I. B Efore *Honorius* his death, *Placidia* and her Children, as we said, upon some Misunderstandings, had betaken themselves to *Constantinople*. *Honorius* left no Children to succeed him, nor designed any other to the Supreme Dignity before his death: which advantage so far encouraged one *Fohn*, a Man of obscure Original, but *Prætorius*, as we have seen, in the foregoing year, who had formerly served as *Principal* of the *Notaries* or *Scribes*, as to take upon him the Imperial Title. He sent away presently his Ambassadors, as he would have them accounted, to *Theodosius*, to desire that he would own and declare him Emperor. *Theodosius* had, before this, received the News of his Uncle's death, but, for urgent reasons, concealed it, as *Socrates* relates, till he had sent a Power of Men to *Salona*, a City of *Dalmatia*, to secure the Borders of the Eastern Empire, and repress any that should usurp or be tumultuous in any of these Quarters. *Cedrenus* writes, that, upon the report of *Honorius* his death, there was a Tumult at *Constantinople*, which continued six days together: he gives us no reason or occasion of it, but we may suppose it in favour to *Placidia* and her Children. At first *Theodosius* did not much regard the Usurpation of *Fohn*, as judging him a Man altogether inconsiderable. But, when he saw him so bold as to send to him, and considered the greatness of his Demands, he was much incensed; and, treating his Messengers very roughly, sent them away with as unpleasant an

Answer.

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Answer. *Fohn* was not much concerned at the report of it, being encouraged by two notable Men for Wisdom and Valour; by the Assistance of whom he had taken the Imperial Habit. The one of these was *Cassinus*, not long since returned out of *Spain*, and designed *Consul* for the following year. The other *Atius*, the Son of one *Gaudenius*, born in *Syria*; who arrived at the Dignity of *Magister Militum*; and married an *Italian* Lady, Noble and Rich. *Cassinus* he made *Magister Militum*; and, on *Atius*, who had been Hostage both with *Arich* and the *Huns*, and afterward was raised to be *Comes Domesticonum*, he conferred the Honour of *Cura Palatii*. Him he sent into *Pannonia*, with a great Summ of Gold, to purchase the Favour and Assistance of the *Huns*, with the Commanders of whom he was familiar; with farther Instructions, that if the Forces of *Theodosius* should march for *Italy*, he, with his Troops raised out of that fierce Nation, should fall upon their Rear, while he himself charged them in the Front.

2. For the Year of our Lord CCCCXXIV. *Victor* was *Consul*, and *Cassinus* rather designed than really such, being the chief Minister of the Usurper. *Theodosius*, however he had conceived prejudice against *Constantinus*; yet now, when a Stranger and Usurper interposed, was concerned for his own Flesh and Blood: and, having treated the Messengers of *Fohn* in a very dissembling manner (*Socrates* saith, by committing them to Prison; *Philosophus*, by banishing them into *Proponis*;) he had so far provoked the Tyrant, that there was no going back; and therefore, he resolved to assist his Aunt, and Cousin *Valentinian*, as far as possible. On her he conferred the Dignity of *Augusta*, and on him that of *Nobilissimus* (or rather, confirmed what had been done by his Uncle *Honorius*) and sent them away to *Thessalonica*, in order to prosecuting the War against *Fohn*; which he committed to the care and conduct of *Aradabur*, and *Aspar*, his Son; with whom *Ulpianus* joyneth *Canadrianus*. After they were come to *Thessalonica*, he sent thither *Helio*, the *Magister Officiorum*; who put upon *Valentinian* the Robe of *Cæsar*, and thereby invested him with that Dignity when he was not now above five years of Age. *Aradabur*, to discharge his Trust, brought them to *Salona*: and there advising about the best Course that was to be taken, he himself resolved, with a great part of the Forces, to go by Sea to *Revenna*, and fall upon *Fohn* altogether unprepared; appointing *Aspar*, his Son, to be a Convoy to *Placidia* and *Valentinian*, by Land, thither. And all things, at first, seemed to prosper and encourage them. But *Aradabur* was, by contrary Winds, driven upon the Coasts of *Italy*, and forced to land in that place; where he was presently taken by the Soldiers of *Fohn*, and carried to his Presence. He being a Man, as *Procopius* tells you, of a mild disposition, inso much, that he put no body to death during his Usurpation; or, as others say, out of desire to come to an Amicable Composition, kept him in free Custody, but treated him in an honourable manner; as designing, by his means, to procure a Peace. His Son *Aspar* had better fortune; and, with his Charge, *Placidia* and *Valentinian* arrived at *Aquileia*; which, having surprized, they fortified: and, being ignorant of what had passed, expected to receive advantage from the Attempts of *Aradabur*.

3. *Theodosius*, though he had his hands full this year, in providing for the Recovery of the West, yet employed his *Quæstor* in some things which he conceived would contribute to the welfare and advantage of his own District. For the maintenance of that ancient Bath in *Constantinople*, called the Bath of *Zeuxippus*, which served, not only the Citizens, but Soldiers; he ordained, that, Such Shops as were built in the *Porticus*, or Galleries about it, should pay their Rent toward the maintaining of the said Baths with Lights, and keeping up the Fabrick. "Which Rent had, it seems, formerly been otherwise employed by the Curators of publick Works, or the Curators of the Commonwealth. As we find that about Churches, Books and other things relating to the Divine Worship, have been, and are still wont to be sold; so, doubtless, in these *Porticus*, such Materials as tended to promote washing or cleansing of the Body. This Edict was directed to *Severinus*, *Præfect* of the City, on the ninth of *January*: and six days after, as if the Conspiracy of *Fohn* had made the Emperor very credulous and suspicious, he sent another to *Maximinus*, his *Comes Sacrarum Largitionum*, whereby he forbade the use of Purple Cloaths made of Silk; whether all of that Colour, or the Ground, or the Embroidery only, as appertaining to him and his Family alone. And he commands, that whoever have lichen in their Houses, bring them in to the Treasury, upon pain usually undergone by Traitors. "The Prohibition is large, All Persons of what Sex, Dignity, Age, Profession or Linage soever, being inhibited. Indeed, *Julius Cæsar*

LIII

had

A. D.

423.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

A. D.

424.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

Soc. lib. 7. c. 23.

Pardal. lib. 1.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

L. 1. de Dignitatibus, Cod. de Just. lib. 1. c. 1.

## Sect. 4.

Constantinople  
grown barren  
therefrom to the  
Neighbour Coun-  
tries.

had limited the use of Purple (which, in those days, was valued with Pearl and Gold) to Women in his time, which *Nero* expressly forbid; and, though *Aurelian* did in part permit it, yet afterward it was again prohibited to them. Stage-players also seem to have usurped the use of this Colour: and, if *Stavus* does not mightily play the Poet, his Friend *Grosphus* was clothed with Wool which had received a double Tincture from the *Fili-Murex*. However, the Emperors began, by degrees, to appropriate this Dye to themselves; in so much that though, if any one might have worn it, the *Præfetti Prætorio* might have had that privilege; yet, when the utmost that could be, was spoken of them, their Command was termed a Kingdom, or Kingly Power, without Purple.

4. *Constantinople*, by this time, was grown so great, that it was become a great Oppression to the Neighbour Countries. This was not only in matters relating to the subsistence of the Inhabitants, but to their very Sports and Pastimes. Of this *Isidore*, the *Præfetti Illvricum*, sent up a Complaint to *Theodosius*; particularly, how the *Cuales* of the ancient and famous *Delphos* were undone by being bound to contribute to the finding of Shows and Pastimes in that now Queen of the Eastern World. Indeed, other principal Cities had usurped in this manner, as we have formerly seen in *Carthage*, whither the Priests of other Cities were wont to flock at the usual Solemnities. But, as that practice was forbidden, so now *Theodosius* gave in charge to *Isidore*, that, by his Precepts he should give notice to all the Cities and Judges of *Illyricum*, that no Man should be bound to contribute towards the *Speciacula*, or Shows of *Constantinople* (which, in imitation of *Rome*, the height of which the emulated, he calls *Vrbis æternæ*) but, every one be bound to discharge the Duties only of his own City, to the strength of his Estate. And thus he enacts, under severe penalties to be undergone, not only by such as should exact such performances, but also by the ordinary Governors of Provinces. Now, we may remember that the *Præfetti Illvricum* the Eastern had two Diocesses included in it, viz. *Macedonia* and *Dacia*. In *Macedonia* were seven Provinces, in *Dacia* five; and, of the seven, *Achaia* was one, in which was the City *Delphos*; which possibly, took this Contribution the worse, because her self had formerly had the Games *Pythia* celebrated in her Precincts, as *Nemes* were at *Argos*. Within a few days after, *Theodosius* thought fit to reduce the Charge and Custody of the lesser *Læterculum* (of which formerly) to its ancient Office. It formerly had belonged to the *Quæstor*, but had been, of late time, removed to the Office of *Magister Officiorum*. Now, by two several Edicts, as we at present find them, the Emperor signified his pleasure, both to *Salust*, the *Quæstor*, and *Helio*, the *Comes* and *Magister Officiorum*; that, The Charge of the said lesser *Læterculum* should belong to the *Quæstor*, so as the names of all *Præfetti*, *Tribunes*, and the *Præpositi Castorum* should be sent up from the *Scriniun Memoria*, and entered by his appointment, according to the ancient custom.

He restores the  
lesser Lætercu-  
læ to the  
Quæstor.

5. For the Year CCCCXXXV, *Theodosius* being Consul the eleventh time, took to him *Valentinian* Cæsar for his Colleague. The first five months of the year he continued at *Constantinople*, with great desire to hear of the good success of his Arms in the Western Countries. *Fohn*, the Usurper, had, without much difficulty, drawn them all into subjection, except *Africk*; which he also attempted, and sent over an Army to get it by force into his power: but such resistance was made by *Boniface* (as the Letters betwixt him and St. *Augustine*, concerning this very matter, do testify) that all his Attempts were thereby frustrated. But his hopes, as we said, were very great, that, by intercession of his Prisoner *Aradburinus*, the whole Affair would be composed, and he should enjoy in Peace what he so easily had obtained. *Aradburinus* had no such intention; but, finding him secure and negligent, and pleasing himself with this conceit, took the opportunity, as *Philoforgus* related, to ingratiate himself with certain Officers he had put out of Command, and thereby disobliged; and he sent word to *Apar*, his Son, that, if he would come down with his Forces, there was no doubt but he might easily surprize the Tyrant, and do his business. *Apar* was not backward to make use of the Advantage, but came speedily with his Horse, and found the Gate of *Ravenna*, where *Fohn* then lay, open, as if his coming had been welcome and expected; and, after a little opposition made, as little it must be in such a Surprise and Confutation, he easily took him, and sent him away to *Placidia* and *Valentinian*: yet he adds, that he was betrayed by those that were about him, to which the Surprise and Affright they were in, might easily contribute. *Socrates* relates, that an Angel conducted *Apar* through the Fens such a way as formerly had not been known. But

John the Usur-  
per taken.

A. D.

424.

Græphæ non  
dominis neque  
porpora veste  
ut auro.  
—It his Apo  
Marice vincta  
viliant lane,  
com. liba. ad  
is.  
Eæthæne  
antiquæ.

L. A. de Sylla  
calis. Cod.  
D. A. 10. C. A.  
Mali. A. 10. C. A.  
Cod. A. 10. C. A.  
L. A. de Sylla  
calis. Cod.

L. A. de Off.  
Græphæ, Cod.  
F. A. 10. C. A.

A. D.

425.

## Sect. 4.

to put to death

Adrian, his  
Captain, sub-  
mits.

Valentinian in Cæ-  
sar made Em-  
peror.

Theodosius  
makes an Uni-  
versity at Con-  
stantinople.

to so quick an end came this Usurpation, which was the more welcome to *Placidia* and her Son, if what *Olympiodorus* wrote be true; that, after the taking of *Aradburinus*, *Apar* and they remained in great sorrow and distress, and even depaired of their Fortunes at *Aquileia*, till *Candidianus* bestirred himself, and took in many Towns; by whose Endeavours and Success, a foundation was laid for that cheerfulness which afterward followed.

6. *Placidia*, though a Woman of very good Parts, yet in Government, shewed very much of that Sex and Constitution. At the sight of *Fohn* the fell into a passion, and presently commanded his Right Hand to be stricken off; and afterward, that he should be beheaded. *Procopius* tells us, that, having his Hand cut off, he was fet upon an Ass, and led through the Cirque at *Aquileia*; where he was constrained to hear many things said upon the Stage, and to suffer many Abuses; and at last, was put to death: A Man, he tells you, of a mild Disposition, of very good Intellectuals, one that knew how to value Virtue according to its desert, and in his Affairs used Temper and Moderation. However, such end have all Usurpers as he arrived at, after he had possessed the Purple eighteen Months. As his Sorrow afforded matter of Rejoicing and Triumph to *Placidia*, so her Nephew *Theodosius* could not but be well pleased with the occasion of it, though the Effects of his Joy put him upon better thoughts than going to the Theatre. Indeed, he was there when the News came to him; but (*Socrates* is our Author) having received the Message, he told the people, that it now became time to quit those Sports, and go to another place. And to the Church they went, where they piously gave thanks to God for the Defeat of the Tyrant, which they ascribed to his Hand. Nay, so much influence hath the Example of a Prince upon his Subjects, that, as he delivers the Circumstances, they sang Praises with him as they went through the Cirque; continued all the day at Church, and the whole City seemed to resemble but one Temple. But, notwithstanding this rejoicing for the death of the Tyrant, there was more work behind for any thing they could know. For, *Ætius* was still alive, and in Arms when *Fohn* was taken; and, with a strong Body of sixty thousand *Huns*, after three days, came, and gave Battle to *Apar*. And violent and bloody was the Fight, till he undertook of *Fohn's* Captivity, which put him upon a resolution to contend no farther; and, having made an Agreement with *Apar*, he removed the *Huns*, that they might not oppress Italy. When all was over, *Theodosius* was resolved to make a Progress into the West, to conferr on *Valentinian* the Imperial Ensigns. And he went as far as *Thessalonica*; but there falling ill, he was constrained to return; but sent an Imperial Crown by *Helio* the Patriarch, who set it on the head of *Valentinian*, being now removed to *Rome* by the way of *Ravenna*, on the three and twentieth of October.

Socr. lib. 7. c. 24.

7. The new Emperor or his Ministers, before this, had remembered well that best *Axiom* in Government, *A Fove Principium*. For while he was, as yet, but Cæsar, he introduced his Authority with matters concerning Religion, the design being to remove those Advantages the Usurper had given to Heretics; of which we shall insinuate in another place. And *Theodosius* seems to have been as well inclined towards Charity and Equity, considering how, in these dangerous times, the Estates of Persons were wont to be confiscated. Therefore he forbid all Judges, except those that were placed in the highest Power, though they had Authority to judge both concerning Life and Death (though they had *Mærum Imperium*) to proscribe any person without consulting the Emperor himself, or to dispose of his Patrimony. And now it came into his mind, or he was prompted to it, to encourage the Profession of the Liberal Arts and Studies at *Constantinople*. He resolved to make a publick School, consisting of so many Professors; or what we since call an Academy or University. But he found many of these in one. He found a confusion upon this Account; there being many Masters that had their several Companies of Scholars, who, as ever in such cases, envying and maligning one another, there was danger that even the publick Peace should be disturbed. For, of old time, when Learning was not so generally encouraged, Professors of Rhetorics were wont to have their several Cells, or private places to teach in, in *Rome*, and other places; and this was permitted generally, till *Theodosius* considered, that it was best to reduce the Profession of all Liberal Arts into one Body. He was informed how many taught privately, and what tricks and devices were used to bring Scholars to the several Pretenders. And therefore, in the first place, He prohibited the practice of these Corner-creeper, under pain of Infamy; yet, without taking away the liberty of teaching in private Families, so they pretended only to instruct

A. D.

425.

Græphæ non  
dominis neque  
porpora veste  
ut auro.  
—It his Apo  
Marice vincta  
viliant lane,  
com. liba. ad  
is.  
Eæthæne  
antiquæ.

L. A. de Sylla  
calis. Cod.  
D. A. 10. C. A.  
Mali. A. 10. C. A.  
Cod. A. 10. C. A.  
L. A. de Sylla  
calis. Cod.

L. A. de Off.  
Græphæ, Cod.  
F. A. 10. C. A.

A. D.

425.

L. A. de Sylla  
calis. Cod.  
D. A. 10. C. A.  
Mali. A. 10. C. A.  
Cod. A. 10. C. A.  
L. A. de Sylla  
calis. Cod.

L. A. de Sylla  
calis. Cod.  
D. A. 10. C. A.  
Mali. A. 10. C. A.  
Cod. A. 10. C. A.  
L. A. de Sylla  
calis. Cod.









## SECT. 4.

He gratifies his Physicians.

Cæsar goes on in waiting Africa.

Courtes taken by Placidia to obviate his Attempts.

Yet more complaints out of Africa.

Very favourable Answer.

A modest E. dict.

entus the Prefect of the City, that if they had arrived to be *Comites* of the first Rank, or higher, they should be in an especial manner discharged, and held free from the *Glabialis Collatio*, as formerly had been granted by Imperial Constitutions, any thing in the late Law, provided notwithstanding.

21. The following Year is inscribed, *After the Consulship of Felix and Taurus, as also Florentius being Consuls*; being of our Lord the CCCCXXIX. *Valentinian* had his Abode at *Ravenna*, and *Theodosius* at *Constantinople*. And all this Year *Genseric* perfited in the waisting of *Africk*, committing all sorts of Hostilities and Outrages therein, while in the mean time he was carrying on the Siege of *Hippo*.

In these dangerous times to provide as well as the could for the security of the Empire, *Placidia* preferred *Felix* to the honour of *Patritian*; and *Maximus*, notwithstanding what had lately passed, to the Dignity and Power of *Magister Militum*. And because Money is the Sinews of War, and the Provincials were backward in paying in their Tribute, an *Edict* was issued out to *Volusianus* the Prefect, whereby a years time was given them for the payment of it; and if that was not observed, then the payment thereof, which was destined to no other end than the security of themselves should be exacted by the Governors of the Pro-

vinces. And as it was Justice at all times to repress the violence and rapacity of *Suſceptors*, or Receivers of the Tributes, so most reasonable now, when there was more occasion than ordinary for Contributions. *Volusianus* therefore, to whom, as Prefect, the matter of Tribute belonged, was enjoined to see, that when it was offered it should be received, and that at the peril of Governors of Provinces, and their Officers, just Weights should be used when it was received in Mass; and that the *Suſceptors* should deliver to the *Possessors* exact and full Acquittances: and report should be made of what came into the Treasury, not only to the two *Comites*, or High Treasurers, but also to the *Prefectus Prætorio* himself, who might by his own Accounts easily see what was due to be paid. In case any of the *Palatine* Officers, or those belonging to the *Possessor*, though he be in arrears to repel he meddling, leave is given to the *Possessor*, they shall be punished by the Treasurers; and if they fail through the procurement of their Officers, then shall it be done by the *Prefectus Prætorio* himself. This was greater Indulgence than had been lately shewn to the Provincials of *Africa Proconſularis*, who had sent one *Babulæus*, a *Comes*, to complain how they were harassed and oppressed by the *Compositors* and *Options*. In answer to whom, *Celer* the *Proconſul* was ordered to restrain, these Men, and give the Provincials four Months to bring the Money in themselves, to the Capitol or Castle of *Carthage*, which if they did not in that term, then the aforesaid Officers were to be let loose upon them.

22. Although the Barbarous Enemy was now raging with all sorts of Hostilities in that Country of *Africk*, yet were there Questions and Contentions among themselves; and now it was doubted to whom Appeals should lie from the *Rationales* in causes relating to the *Domain*, or *Res private* of the Prince. To have the Provincials labour and trouble, *Celer* was impowered as *Proconſul* to receive all such Appeals, except they related to Penſions, which were paid out of the Emphyteutical or Patrimonial Lands, or to Estates that were begged; for these were matters which so nearly concerned the Office of the *Comes Res private*, that no others could properly have cognizance of them. The reason of this Grant of Appeals, is very civil and modest. For, faith he, saving the Reverence of our Majesty, we do not disdain to have equal Law or Justice with private persons. Another thing complained of, was, that such Acquittances as had been given by former *Proconſuls*, were questioned by their Successors, to the great vexation and disquiet of the People; to redress which, *Celer* is commanded also to forbear all such Disputations for the time to come, and with him all that shall succeed in the place of *Proconſul*.

A fourth Grievance yet was urged by *Babulæus*, that one *Curialis* in the same Territory of the City was constrained to pay Tribute for another, which was grown so intolerable, that there were scarce any sufficient Men to be found. In answer to which, *Celer* is charged, that each person be only responsible for his own Ground. So just and temperate was the Government of those who advised *Valentinian* and his Mother, and suitable to this civil Answer given to the Messengers of *Africk* was another Law directed to *Volusianus* the Prefect, after this manner: It's a saying worthy the Majesty of a Prince to profess himself bound up by the

Laws. Somewhat doth his Authority depend upon that of the Law. And indeed it is, as nothing greater than Empire to submit the Prince his power unto Laws. And by the

A. D.

428.

A. D.

429.

Florentio &amp; Dionysio Coss.

L. 96. de Annona &amp; Tributi.

Cod. Th. Anst. a.

Cod. Just. Inst. 16. Cal. Mart.

L. 92. de Sum. &amp; Interdictis.

Cod. Th. &amp; L. 1. de Just. Inst.

Cod. Just. Inst. 16. Cal. Mart.

Cod. Just. Inst. 16. Cal. Mart.

L. 96. de Annona &amp; Tributi.

Cod. Th. Anst. a.

Cod. Just. Inst. 16. Cal. Mart.

L. 1. de Appel. lationib. &amp; Confutatorib.

Cod. Th. Anst. a.

Cod. Just. Inst. 16. Cal. Mart.

L. 185. de De. carationib. Cod. Th. &amp; L. 1. de Publ. Cod. Just.

L. 186. de Just. Inst.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

L. 1. de Legib. &amp; Cod. Just. Inst. 1. tit. 14.

## SECT. 4.

Augustine the Bishop of Hippo dies during the Siege.

Oracle of this present *Edict* (so it concludes) that which we do not permit to be "lawful to our selves, we declare to others."

23. We are now arrived at the CCCCXXX Year of Christ, wherein *Theodosius Augustus* the Thirteenth, and *Valentinian* the third time were Consuls. The two Emperors made their Abodes formerly; the one at *Ravenna*, and the other at *Constantinople*. The Siege of *Hippo* still went on, and continued for, fourteen Months; and toward the middle of it *Augustine* the Bishop died, when the whole Country of *Africk*, except *Carthage*, *Cirta* and *Hippo* were already over-run by the Vandals. The Government at this time thought fit to put a difference betwixt the Province called *Byzacena*, and that of the *Proconſul*, so as the *Curiales* or *Præpositi* might be constituted, the *Præpositi* or Overseers of the Granaries, which in the *Proconſular* Province is denied, for reasons, no doubt, reflecting upon the *Curiales* or *Præpositi* of this Province, who were not to be intrusted with such a concern. We hear no more of any Employment the *Quæstor* had at *Ravenna* this year; but his Brother at *Constantinople* was employed by the importunity of some Courtiers to explain and limit an *Edict* which the Emperor five years before had directed to *Valerius* the then *Comes Res private*. Taking into his serious consideration the custom of begging Estates forfeited, and how at this time of danger there was need of enlarging his Revenue, and affixing his Treasury by all lawful means, he thought he should deal very favourably with such Beggars, if he granted their request, with this condition, that his Exchequer should go on equal share with them in all Estates to be begged and granted, except in those that belonged to Temples and Patrimonial Lands, which being already invested in himself, it was supposed he knew what he gave out of his own Purse; and therefore, if they were granted, it must be supposed that he knew what he did, and they passed wholly to the Grantee.

24. But in Lands or Estates to be beidvised, he to whom they were granted must first deduct his Expenses and Charges in suit, and then the Division to be made of the *Residuum*. And all Judges were expressly commanded to use all indifference in the Trial, and not be partial, as too often they were when the *Præpositi* were concerned, whether the *Comes Res private* himself heard the matter, or the ordinary Judge of the Province in places at a great distance. Nay, the Advocate of the Treasury himself must be present, as commonly at such trials, yet he is commanded to be silent, lest the Judges be biased by his arguments and discourses. But if the matter was compounded before it came to the trial, yet to be sure the Treasury should carry away one half of what was gained by such Composition or Transaction. Nay, although the person that begged the Estate, obtained a private Rescript for his enjoying the whole, yet should such Rescript be void, and of none effect. Moreover the Laws formerly made concerning time given to the *Possessor* to maintain his Title, and after which he should not be molested, were confirmed. But now *Theodosius* thought fit to dispense with this Law of Division, when those that belonged to his Bed-Chamber were concerned; so as they having discovered and obtained such Estates, should not be bound to part with half to the Treasury. In all other things he confirms that Law and for this favour extended to his Bed-Chamber Men, he gives no other reason than that of his own Clemency. And we may easily believe that to have been the chiefest motive. For he was so gracious to their *Præpositus*, as to take him into the second Rank or Degree of Illustrious persons, making him equal with the *Prefect* and the *Magistri Militum*. But these persons, as other near Attendants, the *Caſtreſiani* and *Protectores* had greater opportunity than others to insinuate, and drive a great Trade by begging, as we have seen formerly out of *Ammianus*, yet at length it was quite spoiled, this being the last *Edict* of this nature extant in the Code of *Theodosius*, and not inferred into that of *Justinian*, because such begging was forbidden, and made unlawful by his Law.

25. Some of his Officers were so unreasonable, as, though they had Houses of their own in *Constantinople*, yet when the Court was there they would pretend a right to take up Quarters with their Neighbours. This he thought fit to forbid by orders sent both to the *Comes S. L.* and the *Magister Officiorum*, commanding that in case any such quarter take up other Mens Houses than their own, they should be made liable to forfeiture; forasmuch as only illustrious persons had their Houses excused from that service. And the necessity of the times required, that he should make a little bold with such as had obtained Lands or Estates from him and his Predecessors, that out of these Lands Contribution should be according to the

M m m 2 Exigencies

## Sect. 4.

Exigencies of the State. For in the days of *Theodosius* the Great, *Arcadius* and *Honorius*, some Lands had been obtained by way of free Gift, as the Lands of particular Cities, and chiefly of Temples which were since the overthrow of the Pagan Superstition, either laid to the *Res privata* of the Prince, assigned to the maintenance of Military Employments, allowed for the service of Churches, or bestowed on private persons. There were of these Grounds some granted without any Rent charge at all, others had some charge (as reasonably they might have) put upon them. Besides, there were another sort of Lands which being barren and deserted, upon view of the *Praetorians*, had been released from the ordinary Tribute; of all these upon extraordinary occasions, an extraordinary Imposition was laid six years before by a Constitution directed to *Aetepiodotus* then *Praefectus* was made, with hopes that some Abatement might afterwards be made. But now this promise was rather repeated than fulfilled; another Edict for regulating that Affair, being given out to *Antiochus* the present *Praefect*, whereby further Rates are prescribed for laying these Impositions, and regulating these payments, hope being still given of Indulgence. But such was the necessity of the times, by which *Theodosius* excuseth himself; the Empire being now in so dangerous a condition as called for all the assistance which Justice and the common safety might excuse.

Necessitated to require extraordinary Burthens.

A scarcity drives the People of Constantinople into mutiny.

26. The following CCCCXXXI of our Saviour had *Bassus* and *Antiochus* for Consuls; or, as in the former Year, sometimes is found noted at public Acts, *Theodosius* and he who should be nominated, so in this *Antiochus* alone is named Consul. The two Emperors for any thing we find held their residence this Year as they were wont, at *Ravenna* and *Constantinople*. *Antiochus* the Consul is said of an Eunuch to have been made a *Patritian*, and afterwards being accused to *Theodosius* of some crimes, to have been deprived of his Estate, reduced to a private life, and to have taken Orders; upon which occasion the same Writer reports this Emperor to have made a Law or Sanction, whereby was prohibited, that Eunuchs should be numbered amongst *Patritians*; which Sanction we would gladly see. Whether *Antiochus* might be in fault or not, in being careless to supply the City of *Constantinople* with provisions; and thence might incur his Prince's displeasure, is not known; but this Year a great scarcity of Provisions is reported to have been in that City, by which the people was so enraged, as to fall into a tumult; and when the Emperor went in person to the public Granaries to give some relief to the present distress, to have cast Stones at him. The Barbarians that then quartered in the City, in an hostile manner went to the great Church, and endeavoured to fetter to the Altar, and thence could not be persuaded to depart, till falling out they killed one another. For supplying the public Granaries, we find an Edict, or a *Pragmatick*, as the Author himself terms it, bearing date of the twenty eighth of April, of this Year; but we find it inscribed to *Flavianus* the *Praefectus Praetorio* under *Valentinian*. This forbids any person to be free, or enjoy any Immunity from either ordinary or extraordinary tributary Functions, though under pretence of any privilege obtained from the Prince himself, excepted always his own Patrimony which, he affirms, he very frequently assigns to the public Necessities. And considering the tumults and dangers the Empire of the West especially was now in, we may easily believe him. For *Genserich* by this time had taken *Hippo*, and made such further progress with his Arms, as rendered the Endeavours of *Boniface* and other the Roman Captains very ineffectual.

27. The CCCCXXXII of our Lord had for Consuls *Aetius* and *Valerius*, though they at *Constantinople* had so small intelligence out of the West, by reason of Disturbances and Wars, as we may easily guess, that for a considerable time they knew nothing of *Aetius* his promotion, but dated their publick Acts with his Consulship of *Valerius*, and of him who should be declared, as they had done the Year before. The Arms of *Genserich* had been so successful, as to make *Boniface* willing to comply with the invitation of *Placidia*, who at his return into Italy, procured him the Title of *Magister Militum*. Now being arrived at Court, his spirit was too big to brook his Amulator *Aetius*, and he retained for great a sense of the Injury done him, as to challenge him to a single Combat. The matter was represented to *Placidia*, and she was persuaded to give way to the Duel, wherein *Boniface* had the advantage, and overcame his Adversary; who, as now degraded, betook himself into the Country to a private life. Here one would imagine he languished; yet he survived the Conqueror, who in the third Month after his Victory, died; and on his Death-Bed persuaded his Wife *Pelagia* to marry no other Man

A. D.

430.

L. 1. s. 6. de Constitutionibus  
Cod. Th.  
Abj. a Cod.  
Just.

A. D.

431.

Bulle o An-  
tiocho Cof.  
L. 34. de Peni-  
tis & l. 1. s. 6.  
de Penitis, Cod.  
Th. Cironi. L. 1.  
Cod. Th.

L. 34. de Peni-  
tis & l. 1. s. 6.  
de Penitis, Cod.  
Th. Cironi. L. 1.  
Cod. Th.

Suldas. Vide  
Baron. ad h. A.

Martellinus,  
Socr. lib. 7. c. 33.

L. 36. de Anno-  
na, & Tributi,  
Cod. Th.  
L. 1. de privi-  
legiis domus  
Aquilae hinc  
interpolata.

A. D.

432.

Elitio & Valerius Cof.  
L. 1. de his qui  
ad Rectorem  
confectantur,  
Cod. Th. D. 1. s.  
Cod. Apr. Valerio  
Cof. qui fave-  
re auctoritate.

Martellinus.

## Sect. 4.

Man but *Aetius*. In the place of *Boniface* one *Trigetus* was sent into *Africa*, who gave diversion to *Genserich*, and opposed him in his undertakings. We do not find the *Quaestor* at *Ravenna* much bulied this Year; only confirming the privileges granted by former Princes to the *Decuriones* and *Silentiarii*. And he of *Constantinople* had work of little higher nature, recommended to him by the Emperor his order, and consent of the Senate, in behalf of the *Domesticks* of that Court, to whom, besides the confirmation of their former privileges, was now granted, that their *Primicerius* after having obtained to be Tribune, should be reckoned amongst the *Exadues*; and if he died before his Year was out (this being the term of his Office) the remainder of his Salary should go, not to the Exchequer, as ordinarily it did, but to his Heirs; which was a favour extended to some few others, as the *Advocates* of the Treasury, the *Scriniarii*, the *Primipilares*, the *Domesticks* and *Profectores*, and the *Secundoclerici* in the *Schola* of the *Equestes*.

28. *Theodosius* for the Year following took upon himself the Consular Ornaments, and had *Maximus* for his Colleague in that Dignity. *Aetius* being worsted by his Adversary, had not the face to show himself at Court, but keeping a little in the Country, went to *Rome*, and thence to avoid further inconvenience, into *Dalmatia* and *Pannonia*, where he became more familiar to the *Huns*. By their means he raised himself to his former Reputation, and now *Valentinian* had need of him, by reason that *Gundacarius*, King of the *Burgundians*, broke the League, and passing out of his own Bounds, invaded *Gallia Belgica*, which he wasted with Fire and Sword, till such time as *Aetius* being sent against him, forced him to turn his Back, and depart home. While *Gallia Belgica* flamed with hostile Attempts made by *Gundacarius*, *Constantinople* was almost consumed to Ashes by some cause or other of another nature. *Socrates* writes, that such a Fire happened, as had scarcely been in former times. For a great part of the City, (*Marcianus* names that toward the North) was consumed hereby, and the most strong Forts and Places of Resistance, particularly that called *Abilles*, was consumed by this Conflagration, which continued the space of two days and as many nights; some say three days, in the middle of *August*. *Theodosius* finding himself in a condition to do it, passed another general Act of Indulgence, as he had done nineteen years before. Then, as we have seen, he granted a general pardon for all Arrears due to him from the Year CCLXVIII, to the Year CCCCVII inclusive, or for forty years; and now he thought fit in an Edict directed to *Taurus* the *Praefect* of the *Esq*, to extend this Grace and Favour to the twenty years next following, from the Year CCCCVIII, to the CCCCXXVIII, or, as he expresseth it, from the sixth Id. of the eleventh, in as ample and full a manner. And because the *Numerarii* and *Domesticks* of the *Praefect*, and Governours of Provinces were still too often knavish, and great complaints were made against them, he ordered *Taurus* by another Constitution to take care, that at the going out of their Employment, they should not be preferred for three years, to as by any privileges to be excused, but so as they might be brought to punishment for any misdemeanours committed, during their Administration. And thus he not only remitted Tributes in Arrear, but took care that in such payments as were to be made, the Subject should not be abused.

Aetius worsted the Burgundians.

A great Fire at Constantinople.

Theodosius pardons Arrears for twenty years more.

Honorius the Sister of Valentinian inherits her Reputation.

Other graces Acts of Theodosius.

A. D.

432.

L. 3. de Decurionibus, & Silentiariis, Cod. Th.  
L. 1. s. 6. de Penitis, Cod. Th.  
L. 1. s. 6. de Penitis, Cod. Th.  
L. 1. s. 6. de Penitis, Cod. Th.

A. D.

433.

Theroasio A.  
14. & Maximo Cof.

L. 1. s. 6. de Penitis, Cod. Th.

L. 1. s. 6. de Penitis, Cod. Th.

L. 1. s. 6. de Penitis, Cod. Th.  
L. 1. s. 6. de Penitis, Cod. Th.  
L. 1. s. 6. de Penitis, Cod. Th.

A. D.

434.

Arcadius & Aliphe Cof.

L. 1. s. 6. de Penitis, Cod. Th.  
L. 1. s. 6. de Penitis, Cod. Th.  
L. 1. s. 6. de Penitis, Cod. Th.

SECT. 4. Titles of *Præfēt* and *Patrician*. And as hereby he pleased the Provincials of the East, he passed another Act of State, directed to *Leontius*, the *Præfēt* of *Constantinople*; which must have been as grateful to that City, præfēt these years with a Scarcity of Provisions, as *Marcianus* notes. By this he ordered a sum of six hundred and eleven pounds of Gold to be for ever set apart for buying of Corn: which quantity exceeded much the five hundred pounds he had formerly given. This he forbids to be diminished by any *Præfēt* for the time to come, or applied to other Uses, under pain of forfeiting the double of the Value.

Trigettius  
makes a Peace  
with the  
Vandals.

30. The next Year, or the CCCCXXXV of our Lord, was honoured by the fifteenth Consulship of *Theodosius*, and the fourth of *Valentinian*, the two Emperors. It was remarkable to the West in these respects; that *Valentinian* having happily ended the tenth of his Reign, as some write, went to *Rome*, and there celebrated his *Decennalis* in the usual solemn manner. The joy hence conceived was no whit the less in that, at the beginning of *February*, a Peace was made by *Trigettius*, with *Genferich* and his *Vandals*, by virtue of which they had assigned to them that part of *Africa* lying near *Hippo* to inhabit. About the same time *Ætius* had very good success against the *Burgundiones* in *Gall*; who, in conclusion, were destroyed by the *Huns*. *Sebastian*, who had been Son in Law to *Boniface*, the late *Patrician*, had betaken himself to *Constantinople* for Refuge, whence now he privily conveyed himself, hoping to find some kind of Entertainment in *Africa*; but such it was as he was to expect in order to his repairing to his long Home, for he was killed there not long after his Arrival. *Theodosius* continued this Year at *Constantinople*; where, being free from Wars, he consulted sometimes with his *Quæstor*; and, at the end of *January* published a Constitution in favour of the *Principes*, taken from amongst the *Agentes in Rebus*, with whom the Offices of Magistrates, and Governors of Provinces were wont to be supplied. He permitted them to take such Domesticks as they pleased, whereas such Attendants were wont to be chosen and admitted under the Inspection of the *Primates* of the Offices; and farther, gave them liberty to take such as had already executed the same Charges, which had been in other Cases, formerly unlawful as well as this.

The Agents in  
Rebus reduced.

31. And whereas some of the *Agentes in Rebus*, after long Service, were, by the Emperor's Codicils, promoted to be Honorary *Principes* in respect to their health. He allows of this now, if they had served in the Employment five and twenty years, and that they enjoy the same privileges with those who arrived at the Dignity by serving out the whole time, and taking it in course: yet so, as those who had obtained Codicils, should, in Salutations and sitting with the Judges, give place to those who had completed their full Service, though, as to time, they might be superior to them. This Edict is directed to *Valerius*, the *Magister Officiorum*; but at the bottom it is said, that Copies were also sent to *Isidore*, *Præfētus Prætorio* of the East; to *Reginus*, *Præfēt* of *Ilyricum*; to *Leontius*, *Præfēt* of the City; *Theodotus*, *Comes* of *Egypt*; *Ambartius*, *Comes* of the East; *Cleopater*, the *Præfētus Augustalis*; *Hefichius*, the *Proconsul* of *Achaia*; *Eustathius*, *Vicar* of *Asia*; and *Nectarius*, *Vicar* of *Pontica*. Now, this Marshalling of these great Officers is not perfectly the same with that we have in the *Notitia* of the Empire, published about eight years before; for, therein the *Proconsul* of *Achaia* is put before the *Comes* of the East, and the *Præfētus Augustalis*, and the *Comes* of *Egypt* is placed after the *Vicars*. This same year it is very observable, that *Paulus*, the *Magister Officiorum*, thought fit to reduce the *Agentes in Rebus* to the number of one thousand, one hundred, and seventy four persons; who sometimes, in Reigns of some Princes, had been no fewer than ten thousand. All Stragglers and Absenters he summoned in thrice, and such as came not, he struck out of the Rolls. All this was now, by *Theodosius*, confirmed; yet so, as these Desertors should not quite be cashiered, but retained in the Scholæ as *Vacantes* or *Adscriptitii*, so as to succeed into the Employment of the *Agentes* themselves, as they should die or be preferred: which was the Course observed, both in this and other Employments, by the *Romans*, to train up Men by degrees, and make them fit for Service.

A good Law  
about confiscated  
Estate.

32. But, about this time notice was taken of several Estates, which, by reason of want of Heirs, or for Treason, were fallen to the publick Treasury. *Theodosius* considered both how often the Treasury was defrauded of such Possessions; and many Persons injured who had real Title to such pretended forfeited Estates; both by reason of the careless or unjust Prosecution of his Officers, and the tricks of such as begged Estates so confiscated. To prevent which, he granted out an Edict to *Hierotocrates*, his *Comes Rei Private*, by which he enjoined, that, Upon report made

A. D.  
434.

Leont. de Pro-  
mista ari.  
Caus. Cod. Th.  
Dat. scilicet Th.  
& L. a. Cod.  
Julian. ad.

A. D.  
435.

Theodosio  
A. 15 & Val-  
entiniano A.  
4. Coss.  
Profer.

Leont. de Princi-  
pib. Agentum in  
Rebus, Cod. Th.  
& L. a. Cod.  
Julian. tit.  
Dat. q. Cod. Th.

SECT. 4.

made of such Estates, his own Officials should be sent down to enquire after them; but such as were chosen out on purpose, and obliged by Oath to fair and honest dealings. These Officials should make a true Report hereof to the Governor of the Province; who thereupon, the Advocate of the Treasury being present, should make a full and thorough Inquisition into the Nature and Circumstances of such Estates; leave being here given to all Persons concerned to interpose and defend such Estates from any such Imputation. Of this, the Governor of the Province must give a full Account to the Emperor himself, and send up the Acts, and an Inventory of the Estates to Court; where an Incorporation thereupon should be made before any person should beg them. In case this method be not observed, The Officers to be sent down he deprives of one half of their Estates if either the Treasury or private Persons were injured; the *Proconsul* he threatens with his Indignation; and upon the Advocate of the Treasury he imposeth the damage which either the Treasury itself, or any private Person concerned, should wrong, fully sustain in this Action. So great was the trust that was imposed on the Advocate.

33. The Consuls of the Year CCCCXXXVI were *Isidore* and *Sensor*. Where *Valentinian* resided either the last or this year, we do not find by any dates of Laws; but we find *Theodosius* at *Constantinople* till toward the end of *August*, and then at *Apamea*. The Province of *Gall* was now disturbed by *Theodorich*, King of the *Goths*; who, when the former War was scarcely composed, made another upon the *Roman* Officers, and laid Siege to the City of *Narbon*, as *Profer* writes: who adds, that he was thence removed by the endeavours of *Litorius*, a *Comes* of these times. *Valentinian*, upon rumour of these motions of the *Goths*, sent away *Litorius*, some say, with a great Power of *Huns*; who finding the City sorely straitened by Famine, sent first a Supply of Wheat in to the Besieged (two *Modii* by every Horse-man) and when this was known, *Theodorich* was more easily persuaded by *Autius*, a great Man amongst the *Arverni*, and of good repute both with Emperor and *Goth*, to raise the Siege, and get him gone. While the endeavours of the Government of the West tended to succour its Subjects from the violence of Foreign Enemies, *Theodosius* employed himself in giving relief to such of his as were opposed by their Fellow-Subjects. Particularly, in *Egypt*, *Gigantius* a *Capadocian*, and about this time *Corrector* of *Augustamnica*, miserably oppressed the Inhabitants by several sorts of mischiefs; and, amongst others, by laying on them a new and unwonted Tax, so grievous and burthenome, that many were forced to run their Country. For these pranks he was, by the Emperors Command, apprehended, cast into Prison, and punished as he had deserved, as appears from the Epistles of *Isidore Pelusiota*, so called, from his Country *Pelusium*, which was the Metropolis of *Augustamnica*. But, besides the punishing of his Person, there was need to prevent such Rapacity for the future. And, upon this, or other such occasions, we find, this year, a large Constitution directed to *Isidore*, the *Præfētus Prætorio* of the East.

Theodosius very  
kind to the Eg-  
yptians.

34. This provides for the security of the *Egyptians* in general; but particularly, for the interest of the *Alexandrines*. It signifies that the year before, the Provincials, out of ignorance, had been compelled to pay such Impositions as afterward the event shewed to have been undue. And therefore, to prevent the like, the *Præfēt* is ordered to cause the Indiction to be made publick in places of greatest resort, before the Calends or first of *May*. About this time the Indictions of *Egypt*, as well as *Antioch*, began; though ordinarily, in other places, in *September*. The reason was, because Harvest was commonly got in about this time; for, they sowed when *Nile* was returned to its Channel in the beginning of *November*, and began to reap a little before the beginning of *April*, though in *Palestine* they scarcely got in their Corn before *Whit-Sunday*, or *Pentecost*. The Edict for the Tax he will have expofed for two months together, or from the beginning of *March*; the Copies thereof being sent throughout the Provinces by the *Seriniarii* belonging to the *Præfēt*, and then published by the Officials of the *Præfētus Augustalis*, the *Cohortales* belonging to the Governors of the several Provinces, and the *Defensores* of the Cities; who are to take care thereof at their peril. Prevention of mischief is a sort of doing good, but not so direct as positive Acts of Bounty and Goodness. As the Cities of *Rome* and *Constantinople* had Corn or Bread freely bestowed by Princes on their Inhabitants, so had also that of *Alexandria* by the Munificence of *Diocletian*; who, after the Overthrow and Death of *Achilleus*, committed horrid Outrages in that Country; but yet ordained several things which highly conduced to the Settlement of the Estate thereof, and to the Emolument of that

A. D.  
435.

Isidore &  
Sensor  
Coss.

A. D.  
436.

Isidore &  
Sensor  
Coss.

L. a. de Indictio-  
nibus, Cod. Th.  
Dat. prid. Non.  
Jan. A. 436.  
Cod. Just.

## Sect. 4.

that City. *Constantine* the Great had also been kind to the Poor of that Church. But now *Theodosius* was so charitable, as to add to the former Allowance, toward the maintenance of the Common People, one hundred and ten *Moldii* by the day; so as no Man should be defrauded of what formerly he had enjoyed.

35. But the Companies of the City of *Alexandria* were bound by some ancient Law or Agreement, to cleanse those Channels which were made for deriving the Water of the Nile into the several Territories and Fields of that Country. This they found so heavy a burthen, that, nor well able to support it, they made their Application to *Isidore*, the *Præfēt*; and with such Success, that he obtained a Rescript to be directed to himself, Whereby they were freed from that Charge; and, in room of their free Contribution, out of the Tolls belonging to the City, which they called *Dinummium* (the same with a *Denarius*) four hundred *Solidi* should be allotted to that Work; which should be repayed out of the Customs laid upon Merchandize or Ships, a Revenue that belonged to the Prince himself. Here were Bodies or Companies, as *Bakers*, *Suarii*, *Catabolentes*, *Petarii*, *Sifseptores*, *Mancipes* of the Baths, *Burners* of Lime, and others in this City as well as in *Rome* and *Constantinople*, who had several Privileges; as, not to be lyable to extraordinary Impositions; not to serve in War, except for the guarding of the Gates or Walls; but were obnoxious (for all this) to various Burthens, from one of which they now obtained a Relaxation.

Thus *Theodosius* consulted for the Emolument of the Subject in general throughout *Egypt*, in respect to Tributes; and for the benefit of *Alexandria*, and its Bodies or Companies; nay, its Common People or Inhabitants. It's a wonder if we should find nothing concerning the *Curia* and the *Curiales*, the *Senate* by which that great City was governed; so great, that it stood, in those days, in competition with *Carthage*, which of the two should be named first after the two *Romes*.

36. Yet, because of the turbulent, light and inconstant humour of that People, *Augustus* formerly had denied them the privilege of having a Senate; forbade also, that any Citizen of *Alexandria* should be chosen into that of *Rome*; and indeed, for the same reason succeeding Princes were averse to give leave to any to become free Members of the former City. But at length *Severus* indulged them so far, as to grant them to have a Court, and the *Jus Curialium*, or *Boulentarium*, as they called them; whereas formerly they had lived as when under their own Kings, contented with one Judge, who was nominated by the Emperor. And *Caracalla*, his Son, though otherwise he was very severe unto them, permitted that, as other Subjects, they might be chosen into the *Roman Senate*. After this, the Court became of great fame and esteem according to the greatness and importance of the place; in so much, that *Theodosius* the Great wrote to them by the name of *Sensors* of the City of *Alexandria*; and now, his Grand-son thought fit to grace them with farther privileges. The chief of the Court, usually ten in number, were, as we have seen, called *Principales*, and had greater Immunities than the rest: to which this Emperor thought fit to add this year, that, They should not be forced to undertake a Journey, or to carry a Message to Court; nor to undergo any publick Charge out of their City, which was intended rather for the advantage of the place than of them: it's Safety and Honour much depending on their Presence, Care and Industry. And, this was now so far pressing, that, although they were Advocates, and consequently, by their Learning and Skill in the Laws, abler and fitter to undertake such Employments, yet he will have them excused.

37. But of these *Principales*, there was a Chief, or *Primus*, who held the first place in, and governed the Session; who deserving, in that respect, more than others, *Theodosius*, by this Constitution, confers on him the Dignity of *Comes* of the first Rank; which drew along with it the Senatorian Dignity. But yet, we must confess, with some odd and unusual Circumstances. As first, That he should enjoy this Dignity but for five years; whereas usually, such Honour was conferred for Life. Then, though he was hereby a *Sensor*, he shall not be subject to any Senatorian Function. And, he will have him a *Comes*; yet so, as still to remain and serve in the *Curia* of the City. But yet, still, amongst the *Principales*, besides the *Primus*, there were five they called *Primates* and *Summates*; who were under the *Primus*, but were superior to the other *Principales*. These he will have free from Corporal Injuries, Examinations or Punishments by Torture; which Immunity others of the *Curiales* formerly enjoyed, but it seems it had been broken in latter times; and now *Theodosius* thought fit to restore it to these persons. And

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436.  
L. 190. de Pro-  
curat. Alexan-  
drina, Cod. Th.  
C. 12, Cod.  
Theod. tit.  
L. 191. de offi-  
ciis, Cod. Th.  
L. 192. de offi-  
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L. 193. de offi-  
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## Sect. 4.

place would be most convenient to meet at, betwixt *Rome* and *Constantinople*, for confutimating the Marriage; and *Theodosianica* was most approved, as in the middle way. But *Valentinian*, as became a brisk Lover, desired him not to trouble himself, for he would come to *Constantinople*, and fetch his Bride himself. And accordingly, when he had placed his Affairs of the West in safe hands, he went thither: and having confutimated the Marriage, returned speedily again into his own Dominions. Some write, that he purchased his Wife by quitting part of *Aftricum*; whereas one would have expected, that he should rather have received the other part in Portion with her. But, while *Valentinian* was thus engaged in matters of Love and Marriage, *Littorius*, his Officer, being disintangled from the Tumults of the *Goths*, made War upon the *Aremorians*; who, not long before, had revolted. He did not think the *Goths* would so soon return to their turbulent humour, as it happened: for, no sooner was the Rod removed out of their sight, no sooner was he withdrawn, but they renewed their Hostilities, and fell into the Country of the *Arverni*, which they wasted with all sorts of Calamities. But, upon *Littorius*'s his returning victoriously from *Aremorica*, and bringing a power of *Huns* to assist him, they were easily obliged to cease their Depredations, and retire to the place from whence they came.

40. What Portion soever *Theodosius* gave with his Daughter, or what Contract was made about the Marriage, in a Constitution of this Year, and the last of all that his Code contains, he gives him the Title of his Lord and Son: but this he might do out of other respects, as well as the newly contracted Relation. Herein he confirms the Privileges he had granted to the *Decuriones* and *Silentiaris* five Years before, in contemplation of their merits. And besides these, he adds others of his own Grace and Favour. As, that they shall enjoy the Honour of *Senators*, but be excused from the burthens belonging to persons of that rank; as that the *Prætorship*, and the *Glebalis Collatio*. That they shall be excused from the *Mæstus*, whether their Houses be in *Constantinople*, or in other Cities, so as not to be bound to find Lodging for any, of what Dignity soever; whereas the *Illustres* only were wont to be indulged in this kind. But he declares, that these Privileges shall be understood, not to extend to any *Supernumeraries*, but to thirty *Silentiaris*, and three *Decuriones*; to which number he had reduced them. And such only shall enjoy them as have continued and demeaned themselves unblameable in the Service for the space of thirteen Years; or, as he expresseth it, continued their Watches or Attendance so long. "Whereby he expresseth the particular Duty and Service of these Men, who, as we have formerly said, watched and guarded about the Emperor's Bed chamber, at the second Velum, or Hanging, when he was in Confitory, or had any business with his Council, or treated upon any Messages brought out of the Provinces. There they both commanded silence, and were in a condition to procure it, being armed, for the ease and security of the Prince. This Edict is not dated with the names of the *Consuls* of the present Year, but thus: After the *Consulship* of *Isidore* and *Senator*, although in the middle of *March*, which was much, that their names should not be known at that time.

41. For the next, or the CCCCXXXVIII of our Saviour, *Theodosius* himself, the sixteenth time, took the Consular Ornaments; and with him was joyned *Fauftus* in the West. Nothing so memorable happened this Year, as the Confirmation of *Theodosius* his Code, which had been composed in the former. As in all States and Dominions Laws are made *pro re nata*, and according to the Exigency of Affairs, in process of time they ordinarily grow to a great number; and, as accidents and circumstances vary, so become often obsolete and out of use, though they continue to be Historical, and to shew the state of the times when they were ordained: So happened it at this time with the Laws of the *Romans*, especially, the Constitutions of Emperors; and there was need to make some discrimination betwixt them that were indeed useful, and such as continued to be directive to the present Conduct of Affairs. Formerly some had taken the pains to gather into Bodies the Edicts of some particular Princes; but there were none that came forth entire, or considerable for their quantity and use, till those called *Codex Gregorianus* and *Hermogenianus* saw the light, in the days of *Diocletian*, and about ten Years before *Constantine* the Great. They were of great moment, as appears by the use made of them in after times, though they be now lost, as to us. Yet it appears not whether they were published by publick Authority or not: and its also uncertain who were their Authors, who this *Gregorius* and *Hermogenes* should be; though some are so bold as to make conjectures. However, they both fetch'd the Original of their Collections from the Emperor *Adrian*; who is, by several Writers, named,

A. D.  
437.Eusebii  
Cæsariensis  
Hæstoria  
lib. xxi.  
c. xxi.Decurionum &  
Silentiariorum  
multis privi-  
legiis consti-  
tuta in  
hoc brevis  
que Dominus et  
Filius noster  
Theodosius  
Imper. Augustus  
magis in con-  
suetudine  
mun. &c.  
Licit. Cod. Theod.  
de Decurionibus  
& Silentariis  
Dat. 16. Cal.  
Apr.

A. D.

437.

Theodosius A.  
16. & Fauftus  
Cæs.Vide Gothfr.  
Hæstoria  
ad Cod. Theod.

as

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as a Prince who altered and reformed the Law, and perhaps chiefly upon this Account; that, in his time was framed the *Edictum Perpetuum*, which was to be a standing Rule for Law, and an Epitome thereof; of which these Writings were generally Comments, which now are found in the Pandects, and the method of which was followed by *Hermogenianus*, in his Code; who lived, as several conjectures would persuade us, during the Government of *Constantine* his Sons. And, probable it is, that both of them being Pagans, and finding many old Customs to be altered by Christian Princes; out of zeal to the ancient Constitutions, that they might not be forgotten, they made those Collections.

Theodosius  
his  
Code confirm-  
ed.

42. That Christians might not be behind with them herein, the *Theodosian Code* was at this time composed; in which were collected such Constitutions as had been made by the Emperors of our Profession, from the time of *Constantine*, who, by *Fulian* and his fellow Pagans, was raised on for an Innovator, though he took away the doubtful tricks and ambages of the old Law, and brought it down to a Conformity with the goodness and mercifulness of Christianity; and especially, with that morality and opposition to Vice, which true Christians, according to the indispensable Rules of their Religion, own to be necessary for the attainment of that happiness which it propoeth. But *Theodosius* signifies in the Novel which this year, on the fifteenth of *February*, he published, for the confirmation of this his Code: that, The great loss which Professors of Law were at, how to regulate their Studies, was the great motive to this his undertaking. For, the Books of Law were so voluminous, that they knew not where to begin or fix: and that proved so great a discouragement, that he complains how few in his time were eminent in this Study. To prevent all confusion, he commands, that, after the first of *January*, this Code be made use of in all Decisions, as the Standard of Law. And, unwilling to defraud of their due praise those who assisted at the Collection, being Men of approved Fidelity, famous Learning, and to be compared with the Ancients, He makes mention of *Antiochus*, who had been both *Præfict* and *Consul*; *Marcellinus*, who had executed the Office of *Questor* of the Palace; *Martyrius*, at present a *Comes*, and his *Questor*; all three Illustrious in Dignity. To them he adds five more, and all of the Title of *Speiabilis*; as *Sperantius*, *Apollodorus* and *Theodorus*; all *Comites* of his sacred Confitory; *Eugenius*, his *Comes*, and *Adalger* *Memoria*; and, in the last place, *Procopius*, a *Comes* also, who had been *Magister Libellorum*. At the close of the Law he calls *Florentius*, the *Præfict* of the *Prætorio* of the East, to whom he directs it, his most dear and most loving Parent; and orders his Illustrious and Magnificent Authority, to which it was familiar thing to please Princes, by his published Edicts, to cause this Decree of Imperial Majesty to come to the knowledge of all People and Provinces. "It bears date, as we said, on the fifteenth of *February*; but the fifteenth Consulship of *Theodosius* is corruptly set for the sixteenth; as many Constitutions do evidence in this Code, which were made after that of his fifteenth Consulship, and as the Reader hath seen.

43. The main thing he propounded to the Compilers was, To extricate the Laws from tediousness and obscurity wherein they were involved, by cutting off the Prefaces and other Circumstantialities; whereby, though the memories of Law, years might be eased, yet History could not but suffer in its Evidence and Perpicuity. That this Code may the more obtain, he forbids any Constitution, for the time to come, made by his Son *Valentinian*, to be of force, except it be first intimated to himself; and others going out in his own name, to be Authentical, if not contained in his Code; except relating to the Militia, and matters of Expenses belonging to the *Palatine* Offices. "But of the profitableness of this Book let the Reader, by the use he sees now made of it, judge; and how far it came to be received for Law in after times, both by the *Romans*, and Barbarous Nations we shall in due time discover. Now that we are speaking of Books, we must take notice of another very useful one, compiled about this time, at least, completed; and that is, the *Notitia* of the Empire, of which we have made so much use in this Volume, which both gives so much light, and receives so much illustration from the Code. It is inscribed thus, *The Notitia of all the Dignities, as well Civil as Military, in the Parts of the East, and of the West*: and in it, indeed, is contained the Forces, Garrisons, Magistrates, Ornaments, and Strength; in a word, all the Greatness and Importance of the Empire, in admirable order and method. By reading of this Book, the sense of many Laws is to be made out, and many obscure places in Histories cleared. *Augustus*, as we formerly hinted, first

N n n n began

The left Con-  
stitution in  
Theodosius his  
Code is be-  
half of the  
Silentiaris.Theod. Novell. t.  
Dat. 15. Cal.  
Mart. Theodosia  
A. Conf. 15. Et  
qui Juris noster  
clausus.The Notitia  
Imperii.as vide Gothfr.  
Hæstoria  
lib. xxi. c. xxi.



Sect. 4.

began a Work of this nature; for with his own hand he wrote a Book wherein were contained the publick Forces, what Associates as well as natural Subjects were in Arms, how many Fleets were maintained, what Kingdoms were in subjection, what were the Tributes and Customs of the Provinces, and what the Expenses were; and this he delivered to the Magistrates and Senators, whom he sent for to his Houle, when he had thoughts of resigning the Government. This Book was kept, and the course observed by succeeding Princes, who added and altered as there was occasion. It was called also the *Lateralium* from the shape and figure of it.

A. D.  
438.

When written.

44. But the Provinces being divided, the Magistrates increased, and new Palatine Dignities being found out, and by reason of new Enemies rising up from all Quarters, more numerous Forces being raised, all these this *Lateralium* could not contain. And therefore a new Book was made, called the *Lesser Lateralium*, and therein were set down and described the Prefectships, Tribuneships and Governments of Castles and Forts made for defence of the Limits; and this was kept in the *Scrinium Memoriae*, under the Disposition of the *Quæstor*. Out of these Books was the *Notitia of the Empire* compiled, and, as we said, about this time; for as to the very time indeed there is no certainty. *Gothofred* thinks it was made about ten or eleven years before the publishing of the Code. *Pancirolos* concludes it done toward the latter end of this *Theodosius* his Reign, for several reasons. Under the *Dux of Egypt* it makes mention of the *Ala Theodosiana*, which was instituted in his time, and takes notice of the *Saxon* Limit through *Britain*; which name was first heard of about or after the Year *CCCC*. He conceives no mention to be made in it of the *Vicar of Illyrium*, because that Country was about this very time, whercof we write, miserably wasted by the *Huns*. And that it could not be written after the Year *CCCLV*, is evident, because it mentions the *Fabrick* or *Forge of Concordia*, and the Treasures of *Aquileia*, and the Money there coined, whereas both *Cassiodorus* and *Marcellinus* write of these Cities being decayed by *Attila* in that Year. In conclusion, *Aletate*, where-ever he had it, calls it, *The Brevari of Theodosius the Younger*. In the same Volume, and that set before the *Notitia*, were found Descriptions of the Old, and of *New Rome*, each divided into fourteen Regions, which, though not parts of it but kept in the Offices of the *Prefects* of the Cities were probably set before it for the notableness of the Subject. And after it, were placed the Figures of certain Engines relating to War, and to coining, which it seems were taken out of the Fabricks belonging to the *Magister Officiorum*, and the *Serinia* of the *Comes Largitionum*, and added as an Ornament to the Work; all which Learned *Pancirolos* by his Commentaries hath illustrated.

Antonine's Itinerary.

45. But with some Copies of this *Notitia*, another Work hath also been found joyued, and which deserves to be mentioned as a thing of great use and advantage; a Treatise which declares the distance and Names of Cities, Towns, Garrisons, Mansions, Stations and Mutations of the *Cursus*, where the Posts, or those that made use of the *Cursus publicus*, were wont to bait and refresh themselves, and change their Horses or Waggon. This Book is commonly known by the name of *Antonine's Itinerary*, though why so called, no Man can well divine. That it was not composed by any Emperor that bore that name, as now we find it, sufficiently appears in that it makes mention of *Constantinople*, *Constantia*, and *Maximianopolis*, Cities; and the Legions called *Fravie* and *Herculie*, which names are of later date by some hundreds of years, the Cities being founded by the persons whose names they bore, and the Legions instituted by *Dioctletian* and *Maximian*. Besides, some Copies have it not *Antoninus*, but *Antonius*; and *Antonius* and others ascribe it to *Bibbicus*, an ancient Geographer; and an old Manuscript, as *Bishop Usher* citeth it out of *Dempster*, the Author of the Ecclesiastical History of *Scotland*, unto *Scotus*. But as we said concerning the *Notitia* of the Dignities of the Empire, that for the service of the State, the Prince and chief Ministers, such Col-  
lections had been made as occasion served in all Ages, and changed according to accidents, and as the Laws and Customs altered; so doubt we not, but a *Notitia*, as we may call it, of the several Cities, Stations, Mansions and Mutations was graphically drawn also made, kept and preserved to resort to upon occasion, for the understanding of Countries, and direction of Armies in their Marches, the *Cursus publicus*, Convey-  
ance, of the *Annona*, and like uses: and this was also interpolated and changed as new pleasures, or new Names were taken by places. The greatest Captains, as *Alexander* and *Julius Cæsar*, were very careful in their Conquests to make Charts  
and

Dr Primæstius,  
Reddi, Hist. p.  
Audacter, ut so-  
lus, Valerius in  
dionis. Max-  
imian. 402.  
Cassiodorus, p.  
the totius fu-  
in ore  
transcripta cum  
his, non ab aliis.  
his, Editio p.  
Julii Havellii  
Oratoris Consta-  
ntinensis, was  
graphically de-  
scribed.  
See Barro's  
Commentary  
upon the Iti-  
nerary con-  
cerning Brit-  
tain.

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and Descriptions of Countries for the benefit of themselves and posterity. The *Per-  
sians* had their Countries also surveyed. Possibly what *Julius Cæsar*, *Augustus* or  
others began, might receive some considerable alteration in the days of *Antoninus  
Caracalla*, or *Antoninus Pius*, and thence the Collection might retain his name,  
though afterward it received great alterations according to the changes which time  
produced. And being kept also in the *Scrinium Memoriae*, or some other Office,  
as the *Lateralium* were; it was thought fit for the agreeableness of the Subject, to  
be joyued and published with the *Notitia* of the Empire.

A. D.  
438.Littorius de-  
fected.Genserich kills  
upon Carthage.A Description  
of that City.The Vices of  
the Inhabi-  
tants.

46. The Year of our Lord *CCCCXXXIX*, had *Theodosius Augustus*, the  
Emperor, Conful now the seventeenth time; and with him in the West was joyued  
*Festus*. *Littorius* as well as *Ætius* formerly fought prosperously in *Gall* against  
the *Goths*, and partly by the confidence of his good fortune, partly out of emula-  
tion to him, and trusting to the Aruspices and Answers of Devils, he was (for he  
was a Pagan) so far transported, as hoping to drive them out of the Country, he  
laid Siege to *Toluse*, their City, and at first put their King *Theodorich* into such a  
fright, that he sent some Bishops to offer peace. He thought himself sure of success, and  
rejecting the motion, gave battle to the *Goths*, who bought the Victory very dear,  
but the Victory they got, and with this addition, that the confident Pagan Captain  
was taken Prisoner, and carried captive into that City which he doubted not but  
to enter in Triumph, where at length he miserably perished, pierced by his very En-  
emies, as *Salvian* writes. *Valentinian* receiving the News of his Defeat, and the  
loss of such an Army, commanded *Ætius* to haste again into *Gall*, to repair the  
Breach that had been made upon the *Roman* Interest; and his very coming had such  
operation upon the imaginations of the *Goths*, that they presently desired a peace,  
which was mediated by *Aulus* then *Prefectus Prætorio* of that District.

A. D.  
439.  
Theodosio A.  
17. & Festo  
Cass.

Prosp. Hist. Hist.

47. But while *Ætius* was busy in quenching the flame kindled in *Gall*, a great-  
er broke out in *Africa*, where *Genserich* raging with all imaginable liberty through-  
out the Country, at length could not forbear setting upon *Carthage* it self, after the  
wealth whereof he sorely thirsted. And the State of that City was truly so great  
and splendid at this very time, as might very well tempt and allure a Man of his  
principles to be dealing with it. *Salvian*, the more to aggravate the crimes, the  
Luxury and Debauchery as of all the *Africans*, so of the present *Carthaginians*, presents  
his Reader with a prospect of its Glory. He sets it forth as always emulous to *Rome*,  
in old time as to Arms and Valour; afterwards as to Splendor and Dignity; as the  
greatest Adversary of the *Roman* City, and another *Rome* in the *African* World;  
what Discipline soever is wont either to procure or administer the Interest and  
Greatness of Places was at this time in it to be found. There were all Instruments  
of publick Offices or Employments. There were Schools of the Liberal Arts; "there  
were the Shops, as he terms them, or Work-Houses, of Philosophers; in "a  
word, all Accommodations for Languages and Manners.

48. And not only so, but it was furnished with Soldiers, and such as com-  
manded Military Men. There was to be seen the honourable Port of a *Procon-  
sul*, a daily Judge and Governour, who, as to Name and Title, was indeed a "  
*Proconful*, but a *Consul* as to power and greatness. There were all sorts of Offi-  
cers, and differing amongst themselves as well in Degree as Titles, and in every  
Street and Lane those who in a manner governed all the members of the City  
and People. This he grudges not to declare, but is ashamed when he comes to  
speak how this City swarmed with all sorts of Vices; how it abounded with all  
kinds of Iniquities; how full it was of Tumults, but more of Turpitudes; full of  
Wealth, but more of Vice; how the Inhabitants surmounted one another in the  
naughtiness of their Wickednesses; how some contended with others in Rapaci-  
ty, others with their Neighbours in Impurity; some languished by drinking  
too much Wine, and others were burthened almost with Gluttony; some were  
crowned with Garlands; others were moist with Ointments; but all ruined  
with various sorts of Luxury; almost all destroyed by one death of Errors; not  
all fotted with Drink, but all drunk in several sorts of Sins. You would ima-  
gine, faith he, the People not themselves, not to be in their Wits, but such as stumble,  
fall, and break their Necks, reeling by Troops after their drunken Bouts, no-  
otherwise than as the *Bacche*."

49. He taxeth them with injustice and oppression of Widows and Orphans, "  
and especially insults upon their Impurity and Uncleanness, with which all Corn-  
ers of the City stank." By this we might judge of a Revolution near at hand,  
Vice the usual Harbinger being so brisk and daring. And it came not far behind,  
*Carthage*



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signing one and the same day & time, the Testament should be valid, & not therefor to be of no force, because the Witnesses were ignorant what was therein contained."

A. D.

439

54. In case the Testator was unlearned, or could not subscribe, he might make use of an eighth person, the same Solemnities being observed. But in all Testaments which were dictated, either in the absence or presence of Witnesses, he declared it superfluous to require, that at one & the same time the Testator should both have his Witnesses ready, dictate his mind, and complete the Testament. But though it was dictated or written at another time, & afterward produced, it should suffice, if at one and the same, no Act intervening, all the Witnesses together, and not at divers times, subscribed and signed it. For he decreed, that the Subscriptions and Seals of the Witnesses should be taken to complete the Testament, whereas that which wanted them was to be accounted and taken as imperfect. And his pleasure was, that the Will of the dead should not hold or bind by virtue of an imperfect Testament, except in behalf of the children of the deceased. As for a Nuncupation or Testament made without writing, he would not have it of force, except seven Witnesses at one and the same time, as aforesaid, were gathered together, and heard the Will of the Testator, or him that made the Testament without Writing, and that he was resolved to make his Will before them at the same time without Writing. In case any one made a perfect Testament, and afterwards happened to make another, the former should not be nullified by the latter, except it was complete in Law, and consummate: except in the former those were named Heirs who could not have succeeded the party if he had died intestate, and in the latter such were named, who, if he had died intestate, must have succeeded him. For in this case, though the latter writing may seem imperfect, yet the former Testament being invalidated, his second Will shall take place, not as a Testament, but as a Will of an Intestate; in which Will the Depositions of five Witnesses shall suffice: which not observed, the former Testament shall be of force, though Strangers in it were named Heirs. And in the last place, whereas things that related to the Law of Nations, might be transacted in any Language, but to the Civil only in that of Rome, he thought fit to declare, That liberty had been given to make Testaments in the Greek Tongue, and it should be lawful to leave Legacies, liberty to Slaves, and to assign Tutors in the same words, and to be valid and lawful as if named in Latin. Such Indulgence did the case of Testaments require at this time, whereas in other Ages the tempers of Men and other accidents exacted more strict Solemnities in the making of them, as ours in our own Country now seem to do, it having of late seemed fit to the wisdom of our Nation to reduce our liberty of making Wills, from almost that of Soldiers, to the severity and strictness, well nigh, of the highest Roman Laws, to prevent the grievous sin of perjury.

55. All the care he took for making of wholesome Laws, and supplying the defects of former Constitutions would be to little purpose, if a special regard were not had to such as should put them in execution; and of this he thought also at the latter end of this Year. Notwithstanding all care that had been taken, yet some persons crept indirectly into the Government of Provinces, of which Theodosius having notice, probably from Florentius himself; at the latter end of November he sent him an express order by way of Relcript or Edict, That no persons should be admitted to such Governments, as thought to attain them by ambition or reward; but were promoted thereto by the testimony of an approved life, or of him the Prefect. And with this circumstance, that such as should be advanced to those Honours by the choice of his Seat, or the Emperor himself, should swear publicly, that, Neither they, nor any for them had given any thing for obtaining these Governments, nor would give for the time to come, thereby breaking both the Law and their Oath: no, not by any Title of Sale or Donation, or any other colour, or pretence of any contract whatsoever: and that for, or by reason of such Employments gratuitously received, their Salaries or Allowances only excepted, they shall receive nothing for any favour done in the time of their Governments, either while in power, or when returned to a private life. And although, he adds, he supposes no Man so devoid of the fear of God, as by contemning an Oath, to prefer any worldly advantages before his own salvation; yet that necessity of danger may be subjoined to the fear of Salvation: if any should dare to violate his Oath, he grants free liberty of accusing both Giver and Receiver, as of a public crime, whom he condemns in four-fold of the Value to be levied all manner of ways. That the Emperor was put upon this and several other courses for reformation of

Lult. ad Legem Juliam  
Ripianum  
Cod. Just. lib. 9.  
tit. 27. De 6.  
Cod. De crim.  
Florentius P. P.

The Oath required of every Governor entering into Office.

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manners, and the ease of the People, with the honour of the Prince and his Government, by Florentius, we cannot but believe, because of the most ample Testimony given to his publick Spirit and Generosity, by an Act of State, dated but a very few days after, and directed to Cyrus; who, at the end of the Year, was advanced to be Prefectus Prætorio.

A. D.

439

56. Last Histories, faith he, deserve (or obtain) belief from present Examples, and let Antiquity be freed from all Ambiguity, when it tells us of Great Men, who preferred the Commonwealth before their own Estates. We may behold the illustrious Florentius, who, supported by the Administration of the Prætor, with the Merits of his emulous virtue of an excellent mind, strives, not only with the Merits of our Ancestors, but with his own great Deserts, toward the Commonwealth: the Reputation whereof he hath vindicated, not only by his Counsel and Prudence, but also by his Devotion and Munificence, from the blot and infamy of shameful Turpitude. For, observing how by the damnable craftiness of Pandors, the inadvertency of the Antients was circumvented, under pretence of a certain Lustral Prefation, it being lawful to exercise a Commerce of corrupting of Clarity, out of a pious inclination of propagating an Universal Modesty, he suggested to us, that it was one part of the Injury of the present times, that Pandors were permitted to be in the City, and that the Treasury was furnished by their filthy Traffic. And, though he knew that we abominated it, and had no respect to the Tribute; yet, lest any damage should come to our Exchequer, he offered us so much of his own Estate, as, out of the Revenues of which, as much profit would arise as was wont from that wretched sort of Trade. Wherefore, willingly embracing his forecast and munificence, by this lasting Law we ordain, that if any hereafter shall attempt to prostitute any Slaves, whether his own, or belonging to others; or Bodies of Persons of Free Condition, but hired at a certain rate: these miserable Slaves being fet at liberty, and the Persons of Free Condition being loosed from their impious Service: such an one, being first grievously lashed, shall be banished out of the Limits of this City, in which he presumed to exercise his wicked Craft; for an example to, and the amendment of, all other Men. Therefore, Cyrus, the most dear Parent of Emperors, see that your Illustrious Authority take order, that these things which we have decreed, for preservation of publick Honesty, be observed with all due veneration. Otherwise, your Office, if it neglect our Precepts, shall incur a Fine of twenty pounds of Gold. Thus we see Theodosius accepted of Florentius's Offer; and in way of recompence, gave a publick Testimony to his merit; which was as little as he could do.

Other things he procured the Emperor to reform.

57. For his care extended to several other things which he urged the Emperor to reform. Courtiers and Soldiers, as also, Merchants, by reason of their Employment, sought to evade publick Charges and Taxes, by pretending they were exempt from the Jurisdiction of the ordinary Governors of Provinces: but, by a new against ordinary Courts of Justice. The Accidents of former times had provoked after the death of their Husbands, that if they did not provide them of Tutors, nor Testaments, and of power to dispose of any thing they had; and, besides that, he makes the Medicine and Application violent; and when it abates of its Symptoms, the force of these must also abate. Women were now become so careful of their Fatherless Children, that Theodosius thought fit to remove so heavy a penalty: yet, as a Father of his Country, he thought himself bound to provide for the security of Orphans. And that, as he faith, in cutting off superfluous and inhumane practices, he might not seem to promise Impunity to Delinquents; in the first place, he will have such as are to succeed a Child, in case of death, to know, that if, within a year after his Father's death, they do not provide him a Tutor according to Law, they shall be excluded from inheriting his Estate if he die before fourteen years of Age. And the same thing he will have observed, as to such Mothers, which having undertaken the Guardianship of their Children, contrary to their Oath, fly to second Marriages, before they have caused other Tutors to be chosen, and given account of the management of their Estates, and put them in possession of them. The second Husbands of such Mothers he will have obnoxious to the Children; and their very Estates obliged, as by way of Pledge, to answer for the Accounts which their Wives ought to make to the Guardians.

Novel. i. a. 75. De hinc de pignora, L. 6. In quibus causis pignora, vel hypothecæ facitis contrahatur, Cod. Just. lib. 8. tit. 15.

Novel. i. a. 75. De hinc de pignora, L. 6. In quibus causis pignora, vel hypothecæ facitis contrahatur, Cod. Just. lib. 8. tit. 15.

Novel. 75. a. 75. De hinc de pignora, L. 6. In quibus causis pignora, vel hypothecæ facitis contrahatur, Cod. Just. lib. 8. tit. 15.

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Guardians of Children by their former Husbands. "In the last place, we shall only take notice, that toward the end of this year, *Theodosius* again was forced to require the Laws to be put in Execution, that were made to prevent begging of Estates; as that, it should not be within a Year after the death of the Party, or the Exchequer coming to have Interest in the Estate. "This he did, as he saith, at the suggestion of the illustrious *Marcellianus*, the *Comes Largitionum*, and then executing the place of the *Comes Rei Private*, which is remarkable, that both these great Offices should be managed by one person. But the Edict is directed to *Florentius, Prefectus Prætorio*, as the former; who, by his Edicts, exposed it to view at Constantinople, on the nineteenth of October.

The miserable condition of the Provincials in Africa.

58. We are now arrived at the CCCCXI Year of our Lord; wherein the Emperor *Valentinian* was Consul the fifth time, with *Anatolius*, Consul for the East, according to his name. *Genferich*, King of the *Vandals*, after his taking of *Carthage*, still prosecuted the War in *Africa*; and now came, as was said, to a Partition of the Provinces he had subdued. To himself he reserved the Provinces *Bizacena*, *Auriscana*, *Gætulia*, and part of *Numidia*; and to the Army, distributed by way of Inheritance, *Zengitana* and *Africa Proconularis*. They coming, and taking possession, every where, the poor Provincials were turned out of their Estates and Dwellings, and the Bishops and Clerks thrust out of their Churches: which put the Bishops and Nobility upon going to the Tyrant, and petitioning him to have some compassion on them in this their great distress. But he sent them this cruel Answer; that he had resolved to leave none of their Name or Kind, and wondered that they durst desire such matters of him. That Kingdom he had thus obtained, that they durst desire such matters of him: and for that purpose, knowing that he now felt himself, by all means, would be thoughtful and active, and the Citizens of *Carthage* were Men of Spirit, who could scarcely be brought to it by the *Romans*, he seized on all they had; and drove them to such Streights, that he forced the chiefest of them to pass the Sea, into *Italy*.

59. This did well please him, that he should not leave such Enemies at his back: for, to carry on his great design, he resolved to fall upon, and, if possible, to bring under his obedience the Coasts of the Islands, and others which, on the *Mediterranean* Sea, lay opposite to *Africa*. And getting a Fleet together, he passed over into *Sicily*; which he grievously harassed and distressed. What resistance was particularly made against him we know not; but we are told by an Epistle written by *Theodorich*, King of *Italy*, in commendation of *Cassiodorus*, his Chancellor, to the Senate of *Rome*; that *Cassiodorus*, his Grandfather, a person dignified with the Title of *Illustrious*, which could not be denied to his Family, freed *Sicily* and the *Bruttii*, by his Arms, from the Incursions of the *Pandals*; so as he deserved the Primacy of those Provinces which he defended from so cruel and sudden an Enemy. He concludes, that the Commonwealth ought it to his Valour, that *Genferich* did not then invade those neighbouring Provinces; that *Genferich*, whom *Rome* afterward found so bloody and cruel.

60. *Theodosius* this Year further buffed his *Quæstor* in composing several Acts of State for the publick good. One for thorning Tryals, and cutting off Delays in Suits arising from Appeals; of which he assigns the fatal terms and periods, whether they lay from the ordinary Judges of Provinces, from Delegates or Superior Magistrates. He was well pleased with the fidelity of *Emotusius*, his *Comes Rei Private*; who acquainted him, toward the latter end of *May*, with a custom he observed that some Men had got to work themselves into the Possession of his Patrimonial Lands, under pretence of some Contract, so as not to pay the Canon, or ordinary Imposition lying upon them. By a Rescript he takes notice of his Zeal toward the publick Service; which, if it were diligently prosecuted, would preserve his Revenue from diminution. And, for prevention of such mischief, he declares, All such Contracts shall, for the future, be null where no Canon is to be paid; that all the Fruits and Profits be restored, and no Prescription avail any such person. And, if the *Palatine* Officers suffer such a Contract to be made, or a Petition to be preferred, they shall incur a Fine of fifty pounds of Gold: so as no *Præmatric*, or *Annotator* from the Prince himself shall be of force, either to make such a bar, gain valid, or to remit the Fine to the *Palatines*. According to the custom, he commands that his illustrious Authority, by his Edicts, cause this Law to be made publick.

61. *Cyrus*, the *Prefectus Prætorio*, put in also his Complaint; that, of those that wore the Girdle, the *Scholares Cohortales* belonging to the *Curia*, and such like, severally

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Suffraganeus

Indulgentius

Consulis Sacra-

rum Longitudo

rum Marcili-

us, vitem ager-

his viti. Indu-

lris Consulis re-

rum privatis

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Or.

A. D.

440.

Valentiniano

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tolio, Cons.

Videtur de Per-

sec. de Vandale-

rum, Joh. 1. apud

Baron. ad h. ed.

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## Sect. 4.

severally declined his Jurisdiction, though guilty of oppressing the people, and other Enormities. To which, by another Rescript, *Theodosius* answered; and ordained, that Such Criminals should neither avoid his Jurisdiction, nor the ordinance of Governors of such Provinces where the faults were committed. "This being published, they that were concerned, to avoid the Inconvenience, pretended the Law not to reach them: so that, at the end of the Year, he was forced to explain it by another; wherein he declares *Scholares*, *Comites* and *Military Tribunes* to be meant, according to the custom; but not the other armed Soldiers, or *Tribunes* commanding the *Numeri*. "This *Cyrus*, as the Emperor complements him, being now designed *Consul* for the following Year, still, by his Suggestions, put him in mind of something which tended to the publick Utility, or was to be redressed; and, in particular, he moved him in behalf of such who sometimes got some ground by Rivers forsaking their wonted Channels, and leaving some Lands adjoining to theirs, which ordinarily accrued to them by way of Alluvion, as the Law term was. Now, this advantage was very uncertain; for, as it happened in one day, in another often, it was taken away, and the Possessors had nothing left to compensate the charge and trouble about it. However, the Prince his Officers were double diligent to lay claim to such adventitious Grounds, to seize and sell them, or, at least, to lay Impositions upon them, as belonging to the Treasury. *Cyrus* did this good Office by his Information, as to procure a Rescript, prohibiting any such practice. And this farther, that if any person had drained any Pans, or, by their Cost and Industry, recovered any Pastures or Meadows, they should for ever possess them, without any burthen imposed, without being seized or begged, under pain of a Fine of fifty pounds of Gold to be incurred by the Breakers of this Law; among whom, the Officers belonging to the *Præfect* were to be reckoned, if they promoted any such matter, or preferred any petition in order to it.

62. He was made sensible also, the latter end of this Year, that it was a great grievance to the people to have recourse to himself in matter of Appeals: and so he owned it; being, as he confesseth, often diverted by other Affairs, wherewith he was taken up for the benefit of the World; or, as we may conclude, by other occasions, made unfit for such intricate and troublesome business. He ordained therefore, that, in Appeals from Judges of the Degree of *Speñabilis*, it should not be expected that matters should come before him: But if any appealed from *Procon-*  
sul, the *Præfectus Augustalis*, *Comes* of the East, or *Fiscari*; the *Præfectus Prætorio*, and the *Quæstors* of the Palace should have the hearing; as also, from a *Dux*, if he was also a *Præfect*, the matter should be of the *Præfect*'s Cognizance. More-  
over, if the state of a *Civilis* or *Cohortalis* were in question, the controversy should be decided by the *Præfect* and *Magister Militum* in case of an Appeal, though the *Magister* had delegated it to the *Præfect* of the Province. "These things he ordained in Edicts directed to *Cyrus*; who was therein most concerned as *Judge*; and about this Year gratified the City of *Constantinople*, by conveying Water from the *Aquæduct* of the Palace of *Hadrian*, to the Baths of *Achilles*, and those called *Nymphææ*, which had warm Water. To keep which in order, he procured Rescripts, forbidding any to make use of the Water of that *Aquæduct*, And, in case any persons in his District would obtain leave from the Prince, of deriving Water from any publick *Aquæduct* in the Provinces, they must intimate it to the *Præfect*, and to none other, under pain of an heavy forfeiture.

63. Though *Cyrus* had not had these Laws to have backed his Authority, yet might his Rules and Methods have been better observed in things of this nature, than in another matter; the regulation of which, by another Edict, was also committed unto him. We have formerly seen how Princes have been wearied and obliged to make several Laws about Precedence; and no wonder, considering the natural ambition of Men themselves, the peevishness of Women, that delight in nothing more than place; and that great variety of Humours and Accidents, which must have been in persons so numerous as were those of Quality, inhabiting so many several Provinces. Former Laws and Rules could not, it seems, answer all Circumstances of a thing so substantial as this was. And *Theodosius* was put upon it, to declare more fully, and in better Rank and Order, what the distinction of persons should be. He let therefore *Cyrus* to understand, that illustrious Persons, in the first place, he distinguished into five sorts. Some had actually discharged Offices whereby they were rendered illustrious. Others he termed *Vacantes*, who being present at Court, had deferred the Girdle of some illustrious Dignity, though they did not actually then discharge it. The third sort was of them who being

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S. 2. de annis

militantibus

Juri præscriptis

m. D. 2. 1. 1. 1. 1.

O. 1. 1. 1. 1. 1.

S. 2. 1. 1. 1. 1. 1.

Juri.

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**Secl. 4.** absent, had the same Girdle of Illustrious *Vacantes* sent unto them. The fourth " of such who, without Administration or Girdle, had obtained the Honorary Dignity by virtue of *Codicils* or Letters; and were present in *Comitatu*. And the last, such as being absent, had the said *Codicils* of Honorary, though Illustrious, Dignity sent to them. " All these, he declares, shall take place as now mentioned.

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64. But such as actually execute such Offices, though the *Comites Rei Private*, shall take place of all *Vacantes*, and Honorary, or Titular Persons. But, as for the *Vacantes*, he doth not think fit they enjoy just the same privilege; but that they only take place of all such merely Titular and Honorary as are of the same Rank and Quality, not all Illustrious whatsoever: for example, that a *Præfectorian* precede a *Questorian*, but not a *Questorian* a *Præfectorian*; and in like manner, a *Questorian* a *Questorian*; not that a vacant *Comes Theaurorum*, or *Comes Rei Private*, precede an Honorary *Questorian*, or *Magister Officiorum*. As for those in actual Employment, he farther will have it known, that for such he will have taken, and esteemed those *Vacantes*; to whom he commits some Employment, Charge or Dignity, though it be not of the Rank of Illustrious, but perhaps, of *Clarissimus* or *Perfectissimus*. In case, to such persons he had in Sacred Consistory committed, or should commit, any ordinary Dignity, as if, to a vacant *Magister Militum*, the Charge of War, he should be reckoned amongst the *Administrantes*. For, he demands what reason there is why *Germanns*, whom he calls *Vir Magnificus*, should not go for a vacant *Magister Militum*; to whom he committed the care of the War against his Enemies, meaning the *Vandals*, against whom he was sent with a great Navy. Or, why the most excellent *Properatius* should not be said to have discharged the *Præfectship*; by all whose illustrious dispositions (in the room of the *Præfectus Prætorio*) the Soldier, in his Expedition, hath abounded with plenty of Provisions; which we have said to have been the main Charge and Task of that great Officer.

65. But, when Summer was come, the Alarm was given to *Italy*, of the Preparations of *Genferich*, and his great Design, wherefore it would fall. We cannot say that this caused *Valentinian* to remove from *Ravenna* to *Rome*, that he might be in better capacity to give Relief to the Maritime Parts, which that Rover would, most probably, annoy; but we find him so much concerned, as to publish an Edict to the people, as the Text now hath it, which is said to be dated at *Rome*, if Accepted or Published be not to be read, on the twenty fourth of *June*; and that concerning the great Affair. He begins with a sort of excuse for requiring a Duty from all in general, because the good of all in general is concerned: neither doth he believe it will seem troublesome to the Provincials; that, seeing it belongs to the security of themselves, they should be pressed to the resisting of Pirates and Robbers. Then he declares that *Genferich*, the Enemy of his Empire, is reported to have towed out of the Haven of *Carthage* no small a Fleet; the sudden Excursion and Depravation of which is to be feared by all the Coasts. Now, although he, out of his solicitude for the publick Safety, had placed Garrisons in divers parts; and the Army of his Father, the most invincible Prince *Theodosius*, drew near; and that most excellent person, *Atius*, his *Patrician*, would shortly arrive with a great power of Men, as he believes; moreover, the most Illustrious *Sigismandus* the *Magister Militum*, watched, with a Body, both of his own Soldiers, and Confederates, for the defence of both Cities and Coasts; yet, because in the Summer Season it is altogether uncertain where the Enemy may put in, by this Proclamation he admonisheth all his Subjects, with a confidence in the Roman Power, and with such Courage as becomes them, to undertake the Defence of their own Estates and Relations, and that with their own Men if need be (publick Discipline always preferred, as also, the modesty that belongs to Freedom) and to make use of such Arms as they can; and, by a faithful Agreement, and a joyned Shield, as it were, protect his Provinces and their own Fortunes, without despair utterly to lose their labour; for, every one shall enjoy freely whatsoever he shall victoriously take from the Enemy.

66. How much this Motive, over and above their own preservation, might work with the Provincials, we know not; but, how ever they might gain by Spoil and Plunder, they could not but be out of purse, upon occasion of the War. For besides, the Country-men their standing upon their Guard in case of Landing; if Land he should, an Army was necessary in the *Mediterranean* Parts; and, for the maintenance of this Army, an answerable Income must be raised. For this, Order

was

**Secl. 4.** was taken by an Edict, which *Maximus, Præfectus Prætorio* now the second " time, was commanded to publish, so as it might come to the knowledge of all " People and Provinces, whereby all sorts of Lands were made liable to pay the " fourth parts of the Tributes, due from the ninth Indiction, so as no privilege " should avail, or protect any, who by any Title were possessed of the Emperor's " own Lands, any belonging to the Church, or any Society of Men. And he pres- " feth it as a very idle and arrogant conceit, that any should esteem those sordid " Services and Employments, such as were repairing High-ways, the making up " of Arms, repairing of Walls, Provision of the *Annona*, and others, whereby " the splendor of the Empire is provided for; without which nothing of moment " can be produced; by the assistance of which the Dignity of the Empire is main- " tained, and indeed no necessary matter can be effected. The absurdity of this " conceit he much endeavours to discover, as also the folly of, and Detriment aris- " ing from, that study and endeavour of rich and dignified persons, to ease them- " selves by throwing Burthens from their own Shoulders upon the Backs of mean " and insolvent persons: how penny-wise, and pound-foolish such persons are. " This Edict was published either this or the following Year; but whether of the " two we cannot certainly say, from the obscure date of it, as now the Text is cor- " rupted; but that it was in relation to these imminent dangers which threatened " *Italy* and the adjacent Provinces, there's little doubt.

67. There was another thing which not only hindred the payment of Taxes, but also procured a great stop to Entercourse and Traffick, without which Taxes could very badly be paid. Whether it was because since the days of *Valentinian*, as the Reader may remember, the *Aurei* were raised to greater value more than at first was intended; and since that, others made of as small Weight, but to be of the same price and estimate, that a grudge remained amongst the People, or for other reasons; but now at *Rome* it was become ordinary to refuse the *Aurei* in payments, except undervalued, and at an under Rate. A thing of so dangerous consequence to the Government, that it drew out a Proclamation to the People of that City, whom calling by their old name of *Quirites*, he acquaints that frequent complaint was made to him, how to the disgrace of his Parents, the *Solidi* that were stamped with their Images, were refused by every Trafficker, which he could not suffer to go long unpunished. Therefore all are to take notice, that it shall be capital to any Man whatsoever, who shall refuse any *Aureus Solidus* of just Weight, either of the Lord his Father *Theodosius*, any of his sacred Relations, or of former Princes, or take it at a lower Rate. He expressly commands, that a *Solidus* be not put off under seven thousand *Nummi*, which had been received for seven thousand two hundred; the reasonableness of price being the best course to secure the advantage of the Seller and promote Trade. And he signifies that in reference to a matter of great concern in this Affair, he had caused just and fit Standards of Weights to be made, the observance of which, as also of the Rule given about the *Aurei*, the *Præfect* of the City and Office shall procure under a penalty of ten pounds of Gold. " We have seen how *Valentinian* took order, that the Burthens of the Soil, or Tributes belonging to the Soil should be paid every where, notwithstanding Indemnity was pretended by the Quality of the owners. But besides the quality of persons in general as Ecclesiastick, or as belonging to some Body or Society, sometimes personal privileges were wont to be procured; with which however Princes might play at some times, yet generally the thing was very bad, and in such days so full of danger, and requiring such expence, it was altogether mischievous. As such he now owns it to *Maximus* the *Præfect* by another Rescript founded upon his suggestion, and commands that an equality of Taxes be observed, and all such privileges granted to be of no force.

68. It's not to be doubted, but in all these Charges and Impositions the City of *Rome*, and reason there was, had her share; yet being deservedly look'd upon as the Head of the Empire, and procurer of all that Grandeur of which Prince and People were possessed, she was wont still to be courted, and could not brook any disrespect from the greatest of them. But of late had risen a great dissatisfaction and tumult about the great concernment of Trade. For as in all great Cities where there is confluence, and especially of Nobility, Strangers are wont to flock, and obtrude their own Wares, sometimes their Native Commodities, and otherwhiles artificial Works made (they pretend, and fantastick People imagine) with greater invention and curiosity; so at this time certain *Greek* Tradefmen flocked thither, such as they called *Pantapola*, Sellers of all things, or, more truly, Jacks

Valentinian, by a Proclamation, excuseth his Subjects of *Italy* against *Genferich*.

Novel. Valentinianus inter Theodosianus, 20. Dat. 8. Cal. Febr.

Another for affecting the value of the *aurei*.

Novel. 21. Valentinianus inter Theodosianus, Dat. 10. Cal. Mart. Restituta, Accepit prid. Id. Id. Mart. ubi Jacquet Confilium Valentiniani m. 5. c. 4. quæ sit Cof.

Novel. 25. Valentinianus inter Theodosianus, Dat. 15. Cal. Febr. Perennis vocatur Imperator quos Imperator accipiat.

Novel. 30. Valentinianus inter Theodosianus, Dat. 8. Cal. Febr.





Sect. 4. 72. For this purpose he sent against them *Arnegiflus* and *Fohn*, both flourishing with the Title of *Magister Militum*, and furnished with a choice Body of Men. And to answer his expectations, they both engaged in very sharp Disputes; *Arnegiflus* with *Attila* in *Mesfia* near *Marcianople*, and *Fohn* with *Bleda* in *Thrace*, and fallen into diffention, which so far prevailed above all care of publick concerns, that *Fohn* was killed by the fraud of his Emulator. This put *Theodosius* upon great Straits, and though he was not willing to hear of *Genferich* his possessing any thing in *Africa*, yet that he might not be overpowered by two Enemies at once, but provide against that mischief which was nearest at hand, and most threatened him, he was persuaded to listen to the Overtures made by the *Vandals*. And had not this disaster of the *Huns* so pressed him, he might possibly have made much better Terms than he did. For *Genferich* his Affairs were in no good condition in his new Kingdom, his Subjects bearing very ill his insolence, which he had contracted from his very good fortune, inasmuch that they conspired against him. The Plot he discovered, and raged against many; which yet deterred not others from the like Attempt, who also miscarrying, and his Jealousies and Rage being vented against more than were really concerned; so great Slaughter he made of his Men, that he could not have been more weakened, had he been defeated in Battel. But he humbly begging peace, *Theodosius* for the reasons we have said, thought fit to grant it, and recalled his Army out of *Sicily*, which he sent under conduct of *Arabinus* and *Asper* against the *Huns*. They concerned themselves so little for their coming, that they still went on, and having wasted *Thrace*, passed into *Macedonia* and *Greece*. These they harraided and spoiled with more than Barbarous Immunity, as if they designed by their outrageous Acts to obliterate all Memory of the ferocity of the *Goths* and *Vandals*. They even did what they listed. For so great were their numbers, and strong the resolution of their Captains, that the Attacks made by the *Roman* Officers did but whet and sharpen them to further Attempts. In the West *Genferich* having made his peace with *Theodosius*, used the same Applications to his Son-in-law *Valentinian*, who being more concerned as to the Country contended for, he had reason to be more careful as to the conditions. But it was agreed betwixt them, that *Genferich* should keep in his hands the Provinces *Byzacena*, *Abaritana*, *Getulia*, and part of *Numidia*, and his Army retain *Zengitana*, or that they called the *Proconsular*. The rest should remain to *Valentinian*, to whom he should pay a Tribute, and give up his Son *Honorich* as Hostage, for preserving that faith, which he had already twice broken.

A. D.

442.

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diffention.Theodosius com-  
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make peace  
with Genferich.Which also  
doth Valenti-  
nian.

## SECT.

## S E C T. V.

## The Fifth Step to the Ruine of the Empire in the West.

From the Irruption of Attila and the Huns into the Empire, to the Invasion of the Western Provinces by that furious Nation.

Containing the space of Nine Years.

Sect. 5.

Theodosius hires  
the Huns to  
retire.

1. *Maximus* the second time, and *Paternus* were Consuls for the Year of our Lord CCCCXLIII. *Valentinian*, as we have seen, was to receive Tribute, (if he could get it) from *Genferich*; however, had the honour of an acknowledgment; whereas it fared far otherwise with the Reputation of *Theodosius*. For, he finding of how little efficacy his Steel was against the *Huns* for curing that distemper which had invaded his Eastern Provinces, resolved when such a forcible application would not do, to try what Gold might work by way of revulsion. To *Attila* he sent about a peace, and retreat, which he offered to purchase with six thousand pounds of Gold paid down at present, and promised a thousand pounds more yearly, if he would keep himself and his Men within his own Bounds. They could not refuse the offer, but receiving their Gold, packed up, and got them gone beyond *Ister*, not only enriched with this sum, but with infinite other Treasure and Plunder, and an hundred and twenty thousand Captives; poor *Ilyricum*, though frequently subject to such calamities, yet never having suffered to such a degree. And this added something to their grief, that all things being burnt up and wasted, so dreadful a Snow fell this Year, as lay on the ground for six Months, and thereby perished not only great quantities of Cattel, but multitudes of Men, Women and Children, who wanted the accommodations of Habitation and Fuel, of which the savage *Huns* had deprived them. This was counted no less than a Prodigy; and so was also that Earthquake which happened in *Italy*, where many Buildings in *Rome* were thrown to the ground. The more prodigious they were, they suited the more with, and portended that great and prodigious Tempest, which ceasing for some little time, (the Cloud requiring a little Northward) poured it self shortly after both into the Western and Eastern Provinces, like an Hurricane, so as scarcely any thing, of what Bulk or Materials soever, could stand before it. At Land scarcely any thing; the Water afforded the best security.

2. However weak the *Præsentura* were to make any resistance of *Attila* and his Multitudes; yet the Enemy being removed, *Theodosius* would not have the Limits neglected, nor the Duty of the Officers that there lay encamped. But to reinforce it, he wrote to *Novus* the *Magister Officiorum* his Commands, that the *Duces* of the said Limits, and especially of those to which were Neighbours such Nations as were most to be feared, should abide upon the Borders, themselves, to see, under the inspection of the *Magistri Militum*, that the Soldiers did not straggle, but keep to their Colours, and were constant in the exercise of their Arms: That they took care to have the Camp and other Necessaries repaired, and kept in good order. And to the *Principes*, the *Præpositi* of the Camp, and to them, he assigns the twelfth part of the *Annone* belonging to the Limitaneous Soldiers, to be distributed among them, according to the Vicitude of their Labours, at the discretion

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Maximus 2.  
& Paternus  
Cons.L. ult. de Offi-  
cio  
Militum, Judi-  
cam, cod. Just.  
lib. 1. tit. 45.  
Dut. a. id. Sect.

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discretion of the *Magistri Militum*. He further enjoyed, that all Lands upon the Borders, with the Marishes, which, time out of mind, had been in the Occupation and Tillage of the Limitaneous Soldiers, and free and discharged of all Burthens, should be held and possessed by them to all intents, and without any charge. If now in the hands of any others, they should be surrendered, all manner of prescription ceasing in this case, and restored to the Soldiers aforesaid without any burthen of Collation, under pain of Proscription to be inflicted on any that should oppose this his Ordination. Provided that, if any had bought such Lands (which he should not have dared to do) he might have competent Action against the Seller. These are two distinct Laws, as now they are distinguished under several Titles in the Code of *Justinian*, but they made up one and the same Constitution; and so are still found among the Novels of *Theodosius*. He was now in the good humour of restoring to every man, and to every City also, its own; which he had been petitioned to do in his Progress. For, great complaints were made in some places, that their publick Grounds and Houses were detained in private hands; all which, except alienated by the Interposition of his Procurator, or *Comes Rei Private*, or consent of the Cities themselves, he commanded now to be restored, if possessed within the space of thirty Years. And the further disposition of the Affairs is left to the management of *Apollonius*, the *Præfectus Prætorio*, to whom he directs this Edict; and to his *Magister Officiorum*.

Valentinian also provides for a Storm.

Fishes are directed to be taken.

3. In the West all things were in repose this year, except it was the mind of *Maximus* the Consul. We may know the Emperor was free from War, when he employed his time and his *Quæstor* about matters concerning Dignity and Precedence. *Gratian* had formerly ordained by a Law, that if the *Consulship* and *Patriciate* met in one person, he should precede another who was graced only with one of these Honours. But now it became a dispute, we may guess, at the instance of *Maximus* concerned; whether, in case one had been twice Consul, he should not take place of one who had been once advanced to that Dignity, although that of *Patrician* had been added to it. *Valentinian* determined it in the Affirmative by his Rescript directed to *Storacius*, *Præfect* of the City; giving this reason, that that Dignity which seemed to confer a certain lustre, even upon the Emperor's Name, being conferred the second time on private persons, though without the other (of *Patrician*) ought justly to excell all other Honours. But, though he was not now buied in War, he was not un mindful, in a fair day, to provide for a Storm; and gave order to *Quadratianus*, the *Præfectus Prætorio*, to see executed the full an Edict he had made for raising of Soldiers in the *Suburbicarian* Provinces; Requiring him to call Senators and all Possessors of Lands before him, to cause their Stewards and Tenants to produce the number that was imposed, under pain of forfeiting ten pounds of Gold, besides the finding of the Men. He affirms, that such severity ought to prosecute to a mind averse to a desire of common defence and security. And concludes, that, whosoever shall be backward in this matter, in a fort, confesseth himself not to be a Roman.

4. He had forgot himself to be an Emperor, as, in a manner, he confesseth, had he not had some compassion on the miserable and afflicted condition of the *Africans*; who, both *Etiops* and *Ley*, were, in the late Revolution, turned out of all they had, and forced to seek their Bread in strange Countries. He gave order to *Albinus*, the *Præfectus Prætorio*, that, Such of them as were Scholars, and had designated themselves to the pleading of Causes, should be received as *Advocates* in the Courts under his Jurisdiction, to give some relief to the miseries they sustained; it being altogether reasonable, that such should be favoured and assisted as had nothing left but what Captivity could not take from them. This might be a means to relieve some of them, and we are in charity to believe that others were found out to preserve the illiterate sort from perishing. But, some time after, the Emperor found himself concerned to take another course, not so much for the relief of these poor *Africans*, as, that if they got any thing to maintain Life, it might not be taken from them e'er it could reach their mouths. Many of them were found much indebted, and their Creditors were so cruel as to come upon them in this their greatest extremity; and take violent courses, both with them, and those that were bound for them, though involved in the same calamity. In another Writing, directed to the same *Albinus*, he insists much upon the Cruelty of this practice; that those who should starve, if not fed by other hands, who lived on Alms, and what they received from Charity, should be constrained to pay that which had been taken from them by violence, and they had not in their power

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Letit. de Fundis  
Limonibus  
C. de C. Jul.  
lib. 11. tit. 19.

Novel. 31. Dat.  
lib. 11. tit. 19.

Novel. Thed. 30.

Novel. 45. De  
Institutionibus  
Theodosianis  
Dat. 3. Jul. Mart.  
Rom. P. P. in fine  
to Triani.

Novel. 41. De  
Valentinianis  
in Theodosianis  
Dat. 3. Jul. Mart.  
Rom. P. P. in fine  
to Triani.

Novel. 47. De  
Institutionibus  
Theodosianis  
Dat. 3. Jul. Mart.  
Rom. P. P. in fine  
to Triani.

Novel. 32. De  
Institutionibus  
Theodosianis  
Dat. 3. Jul. Mart.  
Rom. P. P. in fine  
to Triani.

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power to restore. He urgeth, that Compassion is wont to be had on all Debtors that have any misfortune befallen them; and therefore, it is much more due to them that have suffered a Deluge of their Fortunes. Therefore he resolves, out of the principles of Clemency, that none shall sue any *Africans*, or their Sureties, upon any Bonds, till they have recovered their own again. Always excepted those who have not lost all, but have Estates in other Countries. Neither shall they be sued or molested for any thing done within their own Province, where no Law now was open, till their Return and Restitution. Nor shall any Interest or Use-money be demanded for such Debts by any Creditor, who may well be contented, if ever, in so great a calamity, he arrive at his Principal.

5. *Theodosius*, for the Year CCCCXLIIII, took the Consular Ornaments the eighteenth time; and had *Albinus* for his Western Colleague. This Year the Empire was also in repose, for any thing we can learn; though *Marcianus* writes, that, at the same time it was invaded by the *Huns*, it was also infested by the *Persians*, *Saracens*, *Zanni* and *Isauri*. But the Empire was at Peace because the *Huns* themselves were in disturbance; for the fierce and cruel humour of *Attila* could not be at rest; but while, by virtue of the late Agreement, he was kept up in his own Country, being impatient of any Equal, he murdered his Brother *Bleda*, and constrained all the people of those Tracts to submit unto himself. Now grew he more arrogant than ever; and suffered himself to be transported to such ferity, even in his Imagination, that he both thought and affirmed himself born for a Scourge of Mankind and Devastation of Nations. And to this fancy he composed his gesture and his way of walking, which his very stature and proportion of his Body seemed also to agree with and exhibit. He was low made, had a broad Breast, a great Head, little Eyes, a thin Beard, a flat Nose, and a Skin so tawny, that it gave sufficient Testimony of his Original. And now being sole Monarch of the *Huns*, he little doubted but to be so shortly of the World; and indeed, he wanted neither courage, assistance of Men, nor perfidiousness to break his Word, and the Peace made with *Theodosius* when there should be occasion: being a Pagan, or indeed of no Religion. To one so disposed, occasion and opportunity could not long be wanting, as we shall see.

In the mean time we cannot but take notice how kind *Theodosius* was at the beginning of this Year, to such Lawyers as were *Assessors* or Councillors to the chiefest Magistrates; as, the *Præfectus Prætorio*, and of the City, the *Magistri Militum*, and *Magister Officiorum*; declaring, that His kindness ought to extend to them as well as to the Judges. He tells *Zoilus*, the *Præfect* of the East, that when, and when discharged, they shall enjoy Immunity from all burthens imposed, either by Civil or Military Officers; nay, not receive any Impositions from the Seat of the *Præfect* himself, under pain of fifty pounds of Gold to be forfeited by his Office, if it should yield to any thing contrary to this Statute.

The like indulgence he extends to the *Magistri* of his *Scrinia*, whom he owns, as in a sense, *Assessors* to his Majesty; as also, to the *Proximi* and *Exproximi* of the said *Scrinia*; and that under the like penalty, to the Office of *Zoilus*; so that these two Laws, directed to one and the same person, made up but one Constitution. Nay, to all the *Scriinarii*, as also, the *Exceptores* belonging to *Zoilus* as *Præfect*, he declared also, should belong the Right of the *Castræse Pecuniarum*, and to the rest that did *mereri*, or serve in his Office, in as ample manner as if they had been the Commonwealth in the first *Legio Adjutrix*; for there were two Legions that went under the name of *Adjutrix*, viz. the first and second, from helping or assisting the Prince in any Emergency. In conclusion, as if he intended to pay nothing but Acts of Grace, out of Contentment he received at the Peace of the Empire, or some other thing; at the end of the year he granted an Indulgence to several sorts of Lands, which of late years had been burthened by extraordinary Impositions, so as never to be liable to them again.

7. In the West *Valentinian* was quite of another opinion, being by *Hesiodorus*, his Minister, put in mind to provide for the necessities of divers things, and the publick Utility, as he words it. By the Authority of his Pragmatick Sanction, he thought fit to confirm that Suggestion he had made, so as, for the necessity of imminent Expences, for which the Treasury was not sufficient, all those they called *Illicitifrons Pacantes* (of whom lately) should find money for letting forth three Soldiers; as also, the *Consistorian* *Comites*, or those of the first Rank; as also, *Tri-bunes* and *Notaries*, and such as in the Provinces exercised ordinary Jurisdiction,



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distance? But some other Provinces were as distant as it from the Emperor's Court, especially when it was in *Gall*, as sometimes it was. Of *Spain*, of *Africa*, of *Africa* we hear often in *Theodosius* his Code; but of *Britain* there is a deep silence. Was it because there were no complaints, or nothing that was out of order, that needed the healing hand of the *Quæstor*? Of that also we have reason to doubt. The most probable cause was this, that though the *Romans* had been long in the Island; yet of latter times there was but little intercourse betwixt them and it, little passing from the Southern to this Northern Climate. The Ocean was thought impassable. The British Sea was always dreaded as well as the Monsters here thought to breed in the *Caledonian* Wood. But since that the Barbarous Nations began to rove about in Boats. Since *Scots*, *Picts*, and especially the *Saxons* were become such Pirates, that Officers on purpose were appointed to defend the Coasts from their violence and Rapine, *Bologne* and *Dover* did not seem far as formerly they appeared. Danger of passage put an end to pleasure in crossing the Strait. Nothing but necessity could procure a Voyage. This was the cause why *Britain* grew strange by degrees, and seemed indeed another world before she was turned Barbarous: what sometimes proves her defence (the Ditch about her) then was the Rampart against her Friends, and an Inlet to her Enemies. But, as great effusion of Blood, and expence of Spirits render an Animal more capable of Impressions from external violence; so happened it to *Britain* in the exhausting of her strength; which caused her to languish. This how it came to pass we shall now tell in order, and all together; which will more conduce to the understanding of *Roman* British Affairs, than if we had told some Scraps of Stories scatteringly, as by chance we met them.

13. Just at the end of *Constantius* his Reign, and at the entrance of *Valentinian* we have seen from *Ammianus Marcellinus* how the fierce Nations of the *Picts*, *Scots*, *Attacots* and *Saxons* broke the Limits, and vexed and harassed *Britain*; how the Issue of it was, that *Theodosius* the Elder, Father to *Theodosius* the Great, was sent hither to repress them, which he gallantly performed. For he brought the Island into so good posture, that it had a lawful Governour; and from the Emperor that then reigned, got a name of *Valentia*. So continued it in repose and settlement till that *Maximus* was saluted Emperor here by the *British* Soldiers, and usurped, who is also said strenuously to have repressed and overthrown the *Picts* and *Scots*, who then also made their Depredations. *Gildas* in his Book concerning the destruction of *Britain*, as to this Revolution writes, that a vast Wood of Tyrants, to use his Phrase, sprung up here about these times, and the Island retaining the *Roman* Name indeed (*Romania*) but little of the Manners or Laws, sent into *Gall* *Maximus*, attended by many Soldiers, but such as were tumultuous, and over and above adorned with Imperial Ensigns, which he never decently wore, but as Tyrants were wont to compels them. This Man by craft rather than any valour, having brought the Neighbouring Provinces into his Net, and by his perjury and lyes joyined them to his wicked Dominion, stretched one of his Wings as far as *Spain*, and the other into *Italy*, and establishing the Throne of his most wicked Empire at *Triers*, raved with so great madness against his Masters, that of two lawful Emperors, the one at *Rome*, and the other elsewhere, he bereaved of his most religious life. But presently as he proceeded in such cursed and audacious practices at *Aquileia*, he was smitten on the Head (he means slain) who had cast down the honoured Heads of the whole world from their Sovereignty.

14. But, by this means became *Britain* bereaved of her Soldiers, and Military Men; as also of her Governours, (how cruel soever) and in a manner of all her Youth, which following the Tyrant into *Gall*, never more returned, and thereby growing utterly unskillful in matters of War, first was invaded by two Transmarine and cruel Nations, the *Scots* from the *West*, and the *Picts* from the *North*, under which she lay stupified, and groaned many years. This first was invincible cannot be meant of the very first invasion made by these Nations, as we have seen from *Ammianus*, but of the first most signal and violent Impression made by them. And why he should call them *transmarine*, a reason is rendered by *Beda*, not for that they lived out of *Britain*, but because they were remote from part of the *Britains*, by two interjacent *Friiths*, whereof the one from the *East*, and the other from the *West* pierce into the Bowels of *Britain*, though they do not reach so far as to meet. But some conjecture, that *Gildas* did not mean these *Scots* called *Rewes*, which had already feared themselves in *Albania*; but the *Scots* that inhabited *Ireland*,

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Send to Rome for aid.

Gratian.

Gratian takes away all the strength that remained.

The Romans hide their Treasures, and get them gone into Gall.

Atius sends a Legion.

A Wall of Turf.

*Ireland*, and therefore came from the *West*, as the *Picts* from the *North* of *Britain*. But *Britain* being thus harassed with their Inroads, and the direful effects thereof, sent to *Rome* with tears, requiring that succours might be hastened away to her Relief, vowing, in case the Enemy were removed to remain constant in fidelity to the Empire.

15. That *Stilicho* defended the Island from the Barbarous Rovers, we have seen abundantly from *Claudian*, who introduceth her speaking so much in his behalf. And from the same Poet we have also learn'd, how when he was to engage with *Alarich*, amongst other Forces, that *Legion* was reckoned which lay in the *Prætorian* upon the Borders against the *Scot* and *Pict*, whence he had sent for it as the rest of the Emperor's Troops into *Italy*. Not long after was one *Gratian* made Emperor by the *Britains*, and after four Months killed by the Soldiers. And into his place they took upon them to promote one *Constantine*, as we have discoursed at large, who passing presently after his usurpation into *Gall*, as *Maximus* did in like manner, took over with him the *British* Youth, and what strength had been left in the Island, he utterly removed, and so exposed the exhausted life more than ever to the fury of the *Northern* Nations. Now we are told by *Zosimus*, that the *Barbarians* inhabiting beyond the *Rhine*, rebelling against this *Constantine*, then in *Gall*, reduced the Inhabitants of *Britain* to that condition, that they fell off from the *Roman* Empire, and refusing to obey the *Roman* Laws, would live, as they themselves pleased. The *Britains* therefore taking Arms, refused to undergo no hazards for their Country, but freed their Cities from the incursions of the *Barbarians*; *Honorius*, the Emperor himself, by his Letters advising them to stand upon their Guard. But after that *Rome* was taken by *Alarich*, and *Constantine* the Tyrant slain, others write, that the *British* Army was received by *Honorius*, who reduced the Island also to obedience, though some have said, that then the *Romans* were not able to recover it. But if this was it, we may easily believe what *Blondus* hath written, that when *Constantine* on one side, and *Alarich* on the other, gave such diversion to the *Roman* Arms, the *Britains* being exhausted of their own native strength, and receiving no assistance from the Empire, being continually harassed, and tired with the Inroads of the *Picts* and *Scots* were forced to treat and make some agreements with them, and to fall off from their obedience to that power which could afford them no protection.

16. Now it was about the ninth Year after the taking of *Rome* by the *Goths*, that the *Romans*, or they that were of *Roman* Blood, and left behind in the Island, not enduring those Threatnings and Insultations of the Nations, hid their Treasures in Ditches, as *Fabius Ethelwerd*, our Noble English *Saxon* Historian relates, and got them over into *Gall*, hoping to find them at their return, wherein yet in a great measure, their expectation failed them. If what he writes concerning the Threatnings of Nations, hath Relation to the Nations or People of *Britain*, their quarrelling with the *Romans*, this much confirms the Revolt now made by them from the Empire; if the words be not rather to be understood of the Barbarous Nations, the *Picts* and *Scots*. But however, it's without doubt, that they shortly after returned to obedience, as was best for them, except they had been in better capacity to relieve themselves, and now they obtain'd upon promising obedience, another Legion for their defence. For they found no faith or constancy in the Rovers, who under pretence of peace and a League, hoped to get the Island into their power. The *Romans* could not but take notice of their design, and how *Britain* by that means was like utterly to be lost, if they did not presently interpose; and therefore *Atius* being also wearied with the importunity of that party which still remained constant in their fidelity, sent away a Legion out of *Gall*, which reduced the Country into an indifferent quiet, and peaceable condition. We are to understand, that now it was, that *Gildas* saith, that *Britain* vowed, if the Enemy were removed, to remain immovable in her fidelity to the Empire. A Legion unmindful of the late mischief (the murdering of the Emperor *Gratian* some interpret it) is ordered her, which having passed the Seas, presently engaged the Rovers, and having slaughtered of them a great multitude, quite drove them out of the Country, and thereby freed the Inhabitants from cruel death, or imminent captivity. This performed, it set them upon making a Wall overthwart the Island, which should be for a terror to their Enemies, and a defence to themselves. But being made by the Rabble without any good Adverser, nor so much of Stones, as of Turf and Earth, it stood them in no stead at all.

17. *Beda* writes, that in his days the Remains and Footsteps of this deep and broad,

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Vide asserti. Primæ, Eccl. Britan. p. 500.

Multiplicat. non ferens in gentem miser



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broad, though useleſs, Rampart, were to be ſeen. And he ſaith it began two Miles diſtance from the Monaſtery of *Abercurnie* in the *Weſt*, at a place, in the Language of the *Picts*, called *Pewabul*, in the Tongue of the Engliſh *Penanction*, and ended near the City *Alcluth*. It was drawn betwixt the two *Fritths* of *Dunbritan* and *Edenburgh*; as *Scotch* Writers deſcribe it, from *Kaer Eden*, or *Edenborough*, to *Kerk-Patrick*, on the Bank of the River *Clude*, leaving *Glaſgow* on the South, being eighty Miles more Northerly than that made by the *Romans*. But the Legion which fet them upon this Work, ſtaid not to ſee it made, being ſhortly after recalled, when the *Burgundians* grew turbulent; and then for all the Wall, the *Barbarians* returned, and miſerably waſted poor *Britain* with Fire and Sword, till News thereof being brought to *Valentinian* the Third; he diſpatched away *Gallio* of *Ravenna* with another Legion. But hear how *Gildas* himſelf tells the Story in his lamentable and melancholick manner. This Legion being returned with great joy and triumph, the fame *Rovers* like ſo many cruel and ravenous Wolves return upon their former prey, no Shepherd appearing to protect the Sheep, and beat down and trample on all in their way, like ſtanding Corn. Now again, as are Meſſengers diſpatched with their Cloaths rent, and earth upon their Heads, as to crave ſuccour of the *Romans*, like as fearful Chickens betake themſelves to the Wings of the Hen, beſeeching them not to ſuffer their afflicted Country utterly to periſh, nor the *Roman* name, now indeed meerly a name, to be loſt and extinguished in the Iſland. The *Romans* receiving as great an impreſſion from the Story of this Tragedy as humane nature was capable of, made as much haſte to their Refuge, as an Eagle can do in the Air, an Horſeman upon the Earth, or the moſt expert Mariner upon the Sea; and like as a mighty Torrent, falling from the Mountains, removes Heaps of Sand which lie in its paſſage, ſo did they ſweep and cleanse the Country of theſe greedy *Rovers*.

Another Sup-  
ple-ment which  
again differ-  
eth the Ro-  
vers.Influents the  
Natives, and  
bids them fare-  
well.

18. They now tell plainly thoſe, for whole deliverance they came, that they muſt not for the future expect any ſuch tedious and laborious Journeys from them; or that the *Roman* Legions, or ſuch an Army was to be indangered by Sea and Land, for to drive away a fort of inconfiderable ſtraggling Thieves. They bid them apply themſelves to the ſtudy and practice of Arms, that by their own valour and conduct they may be able to protect their Country, their Wives, their Children, and (what ſhould be more dear to them) their Lives and Liberty; to ſtretch out their Hands not naked and diſarmed, to be pinion'd by the Enemy, but furniſhed with Swords, Spears, and ſuch like Inſtruments of War, ready to aſſault, and make havock of theſe Nations which could not be more powerful and valiant than they themſelves, except their ſloth and idleneſs cauſed them to be ſo. They ſhewed them how to make another Wall, not according to the former model, but along by the Cities which probably had been built for fear of the Enemies, propounding courageous Exploits to a fearful People, and a Copy to ſuch as were not willing to write after it. Moreover, upon the *Southern* Shoar, where their own Ships lay at Anchor, and the Invaſions of the wild Beaſts were alſo feared, they built Watch-Towers at certain diſtances, and bade them farewel, as never to return any more to them. *Beda* (who had been a little more venerable, had he been ſomething more *Britiſh*) though he ſlightly paſſeth over all things relating to that diſtreſſed and exhausted Nation, and cannot eſcape ſome cenſure for his partiality betwixt the old Poſſeſſors, and the Intruders, a little enlargeth this Text, and tells us, this Wall was made of firm Stone, in the ſame place where *Severus* had made his Rampire, or *Valium*. He adds, that it being yet in his days conspicuous, and much talked of, was eight foot broad, and twelve foot high, paſſing in a direct Line from *Caſt* to *Heſt*, as to which he appeals to the eyes of thoſe that behold it.

Another Wall.

19. And ſome very Learned Men are of opinion, that this Stone-Wall was raiſed in the place both where the Turf Wall flood, and that alſo of *Severus*. Of this belief was *Becheſman*, who placeth it within the ſame Boundaries, as that of Turſis, betwixt *Abercorn* and *Kirk Patrick*. Beſides the Footſteps of the Walls he inſtanceth in the Remains of the Towns, and of *Roman* Antiquities diſcovered in the Pricks, and the Inſcriptions of Funeral Monuments without controul. Others of his Nation call the place *Grimeſdyke*, according to the name then known to the Inhabitants, but will have the Stone Wall drawn from the Mouth of *Tine* croſs the Iſland, by the Suburbs of *New-Caſtle*, called *Gateshead* (where *Severus* they ſay alſo cauſed a Wall and a Ditch to be made oppoſite to *New-Caſtle*) and upon the River *Eike*, or *Scots-ath* for ſixty Miles, as far as a place not much diſtant from *Car-  
le*,

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life, Weſtward. But let us ſee what all this labour, and the good will of the *Roman* Legion amounted to. It was no ſooner gone, but Multitudes of *Picts* and *Scots* again appeared upon the Shoar, and like a Swarm of Caterpillars overſpread the face of the earth, differing indeed in manners and cuſtoms from each other, but both alike greedy to blood Flood, having their Faces more covered with Hair, than their ſecret parts with Cloaths; and they confidently leiſed on the Northern Part of the Iſland as their own, from the utmoſt Bounds thereof as far as the Wall. Upon the Wall the *Britains* ſet a Guard, but ſuch an one was as fit to eat, than to fight, trembling at the ſight of an Enemy, and pining away for the very thought of War. The *Barbarian* had certain Hooks wherewith he would pull down to the ground the unwary and helpleſs Defendant, who in ſo great miſfortune was in this reſpect happy, that he lived not to ſee theſe dreadful calamities which ſhortly after beſel his Relations. In ſhort, the Guard ere long quitted both the Wall and Towns adjoining; and then followed the uſual flights and diſperſions of a poor ſheepiſh and miſerable people; for to no other than ſuch a prey of Wolves and wild Beaſts can this thing be compared, the miſerable *Britains* running away, and when eaſily overtaken, being laughed like Sheep, with complaints and reluctance, but no oppoſition. Thoſe that remained alive, felt in another manner the dreadful effects of this invaſion; ſo ſevere a Famine following that Havock, which had been made of all things, that no Food could be obtained, but what only could be got by hunting.

The Guard  
quits it.And a miſe-  
rable deſolation  
follows.They ſend to  
ſolicit in vain.Some make  
Salles upon  
the Enemy,  
and receive  
benefit by  
their Prayers.The great turn  
of the State of  
Britain.

20. The miſerable Remnant of the *Britiſh* Nation, in this deſolate condition, having cauſe to apprehend another invaſion, or rather perpetually ſubject to them, after ſome time wrote to *Atius* (ſo it ought to be written, as the Reader finds cauſe to believe, though ſome Copies have *Agitius*, and ſome *Agonius*) a *Roman* Officer, after this manner: *To Atius thrice Conſul the Groans of the Britains*. Then after a few Complaints: *The Barbarians drive us to the Sea; and the Sea drives us back upon the Barbarians. Betwixt theſe two ſorts of death, we have either our Throats cut, or are drowned*. But no ſuccour or relief could be obtained. In the mean time, the Famine was ſo violent, that many yielded up themſelves to the cruel Enemy, purchaſing a little Bread with everlaſting Slavery: others more valiantly got up to the Mountains, Caves and Woods, whence they made Salles upon the Robbers; and now firſt of all betaking themſelves to Almighty God, and truſting in him, had for many years ſucces againſt, and killed many of them, as they ranged abroad for Booty. Now the boldneſs of the Enemy for a little time ceaſed, but not the wickedneſs of the People; it being ever, as it is now (ſaith our Author) the cuſtom of the Nation to be weak to repel an Enemy (to blunt his Weapons, as he expreſſeth it) but ſtrong enough to ſupport Civil Wars, and the heavy burthen of their Sins: inſirm to execute the effects of peace and truth; but able to practice wickedneſs and lies. The ravenous *Iriſh* (*Hiberni*) then return home, to come back again after a ſhort time. The *Picts* thenceforth fixed themſelves, and reſted in the utmoſt part of the Iſland, making ſome Incuſions and Depredations now and then.

21. Now happened the great turn and alteration of the State of *Britain*. The *Iriſh*, whom *Beda* calls the *Scots*, returned home; and the *Picts* remained quiet in the Northern Part of the Iſland, where we muſt look for them when we come to ſpeak particularly of them, and of their Kingdom. And from this time of *Atius* his third Conſulſhip, we find reaſon to date the utter revolt of *Britain* from the *Roman* Empire. Formerly, it's true, they purpoſed to eſta bliſh themſelves in a diſtinct Body, and Authority; but both Parties ſtill came together again; the Authority of the Empire was owned, and Forces were ſent to reſtreſs the outrageous Attempts of the ſavage Nations. But now, as it were by conſent, they parted. They ſent to *Atius*; but *Atius* did not anſwer them. So long as either they owning their Dependence deſired aid, or the other vindicated here their Right, and endeavoured to protect their Subjects, we own them as *Related*, and *Britain* ſtill a *Dioceſs* of the Empire. But now by the *Roman* Laws themſelves, a ſeparation or *Alienation* was made. The *Romans* neglecting to ſend Succors, having given the Inhabitants formerly warning to provide for themſelves, and taking leave as never to return, left her as a thing *Dereliſt* to the occupation of any one. And (if in this matter we may join animate with inanimate things, for this our Iſland may anſwer to both) *Britain* now perceiving in what condition ſhe was, quite alienated her ſelf; in her purpoſe and reſolutions took her flight from the *Roman* intereſt, *ſine animo revertendi*, without purpoſe of returning. Of this

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she gave evident Testimony, when, the Year after the Confultship of *Ætius*, she completed that Refolution which in this Year she must have thought of and began, of chusing a King to govern her; possibly, after his own Lust, and not according to the Dictates of the *Roman Laws*; which was *Fortigern* as he is commonly called.

A Digression  
to consider  
of the State of  
Britain.Britain looked  
on by the Ro-  
mans as an-  
other World.And difficult-  
ly they kept itAdrian thrusts  
with his Na-  
tives.I think Adrian  
never threaten  
them.Scots did  
little against  
them.

22. Thus we must part with *Britain* now, as fallen quite off, and no longer a Member of the *Roman Empire*, of which hence the days of *Julius Cæsar* it had had the Name; and hence the days of *Claudius* it had (not all of it we mean) a true Title to be called. At parting, we would gladly take leave in such a manner as may give the Reader further cause to remember her, by a fuller knowledge of her State and Condition, while Imperial. Although she was but a very small parcel of the *Roman Empire*, considered in its Bulk and Grandeur, she was by the *Romans* thought fit to be termed *Another World*, as wholly severed from their Continent; and not only by their Poets, but their graver Writers; and that not for flourish only, but in very good earnest: inasmuch, that, upon the apprehension herof, *A. Plantius* his Soldiers, as *Dio* writes, were very unwilling to follow him out of *Gall*, in his Expedition hither; seriously imagining it to be some Service quite out of the World. And this might make them think it indeed another World, because they knew no Bounds of it, till the Government of *Agriola*, Father in Law to *Tacitus* the Historian, and General of *Domitian*; who, overcoming the *Ordevices*, subduing the Isle of *Anglifer*, overthrowing *Galganus*, with the *Caledonian*, or most Northern *Britains*, and causing the *Roman Fleet* to coast about it, found *Britain* an Island indeed; and penetrated into that Sea which, by the Natives, had hitherto been esteemed a Secret, and a shelter. And yet, for all this Conquest and Discovery, such difficult work the *Romans* found it to preserve this now found out plot of Ground, that as before their Colony and *Municipia* had reason to tell them sad stories of the Slaughters they underwent by the Natives: so, after *Domitian*, under *Nerzus* and *Trejan*, we hear nothing of our *Britains*, till the time of *Adrian*; who sent to curb and restrain them *Julius Severus*: but he being called away, to quiet the tumults of the *Fews*, they would not be kept in any order, till the Emperor himself was fain to cross over into the Island, in the Perambulation of the Provinces, with which *Florus* the Poet twitted him.

23. And he, notwithstanding all his endeavours, and amending several things he found amiss; yet, perceiving there was so little hope to keep what *Agriola* had acquired, or to make that which the General said to his Soldiers good, that after the Defeat of *Galganus*, it would be easier to retain them all in Peace and Obedience; that he attempted a thing more glorious to the *British* Nation than to himself. He thought it best to share betwixt what, as *Tacitus* tells us, *Augustus* and *Tiberius* called a prudent Design, and the Ambition of the latter times. They thought it wisdom to neglect piercing further into that which *Julius Cæsar* had but discovered; but, in the time of *Domitian*, nothing would serve but the Conquest of the whole Island. He knew the *Roman* Glory was concerned not to quit the whole; and yet he found it would no way suit with the Conveniences of the Empire, to part endeavour the retaining of the whole, and therefore took a middle way to whole Strakes with the Islanders; and leaving to them the Northern parts, caused a Wall or Rampart to be raised eighty Miles in length, from the Rivers *Tyne* and *Eske*, to secure to the *Romans* one third of their Conquests at least. But, whatever *St. Augustine* faith of *Dens Terminus*, his giving way to the will and pleasure of *Adrian*, *Adrian* gave large scope to *Terminus*, drawing back the *Roman* Soldiers about an hundred Miles from the Post where *Agriola* had placed the first *Prætorius*, or a Castle furnished with a Garrison betwixt *Dunbritton* and *Edenborough* *Frishts*, the narrowest neck of Land in all *Britain*, then called *Gloia* and *Bodoria*. *Adrian* being gone out of the Island, the *Britannias* began quickly again to be tumultuous, and to reduce them to obedience, by *Antoninus Pius*, was sent *Lollius Urbicus*; who indeed did him excellent Service, and drove the Northern People into a narrower strait than they were before, raising another Wall or Rampart of Turfs betwixt the two *Frishts* now mentioned. But, when a larger Boundary would not quiet them, it was little probable that they would be content with a narrower Confinement. They again renewed their Hostilities; and, though sometimes they were suppressed, yet continued so long and so far to manifest their uneasiness and reluctance under the Yoke, that this obliged *Severus* himself, with his two Sons, to come into *Britain*. He, for all the terror of his Name and Authority, found so hard a task of it, that, after the loss of fifty thousand Men, he was glad to make a League with the Natives, and by

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The Roman  
Divisions of  
Britain.

by it to oblige them to retire again; but not into so narrow a Compuls as *Lollus* would have forced them. But, he drew the Boundary back again, and raised a Wall of Stone on the Foundation of that formerly made by *Adrian* of Earth and Timber, almost the whole way from Sea to Sea. (What reason he had hence to be called *Britannicus* we know not; as also, why *Septimius* should term the building of this Wall the greatest Glory of his Reign. Sure it was a Monument of the rightless change and resolution of the *Britains*. But, so many Walls were here made by the *Romans* to repress their courage and resolution, and this was the last we know of, which all, commonly and chiefly goes by the name of the Wall; except we mention one, said to be raised by *Cæsar*, who usurped, being employed here in the Reign of *Diocletian*. But this is founded upon the relation of *Geoffrey of Monmouth*, and other such like Testimonies. That *Theodosius* the Elder, and others, endeavoured to make good this Limit, we need not doubt.

24. Yet used the *Romans* other means, and some diverse from those in other Provinces, to keep *Britain* in subjection. That share of it they thought fit to call *Roman* they divided into several parts, for a clearer distinction, and better Government. First into four (not to mention the general Partition into Upper and Lower) as, *Maxima Cæsariensis*, *Flavia Cæsariensis*, *Britannia Prima* and *Britannia Secunda*. This appears from the Breviary of *Severus Rufus*, which he dedicated to *Valentinian* the Emperor; of which some imperfect Copies have but three, and leave out *Flavia*; one of which Copies was lighted on by learned *Cambden*, and caused him to mistake in this Enumeration. This Partition most probably was made by *Constantine* the Great, from whose *Proconesus* was *Flavia* so named, as *Maxima* from the greatness of it. Afterwards, when *Theodosius* the Elder had restored the *Roman* Force of things in *Britain*, and recovered a great part of the Country, lost to Natives, he increased the Division, by adding a fifth Province, with the name of *Valentia*, from his Master. Now, of these, *Britannia Prima* is most rationally thought to have been that part of the Country, lying from the *Gullick* Sea, to the River of *Thames*, and the *Estuary* of the *Severne*. *Britannia Secunda* reached from the *Severne*, to the *Frisht* Sea. *Flavia Cæsariensis* lay betwixt the Rivers *Thames*, *Severne* and *Hammer*. *Maxima Cæsariensis*, betwixt *Hammer* and *Adrian* his Wall. And *Valentia*, having been formerly part of *Maxima*, betwixt the Walls of *Adrian* and *Urbicus*; *Lollus*, or that betwixt the *Frishts*. Here, if the reason for this Partition thus limited be required, the Author of it answers, that he had observed the *Romans* ever to call these Provinces the First which were nearest to Rome. For example: *Germania Prima*, *Belgica Prima*, *Lugdunensis Prima*, *Aquitania Prima*, *Pannonia Prima*; all which were nearer Rome than any that had the name of *Secund*: which were more elegantly called *Inferior*, as the First were termed the *Superior*. And, whereas in the declining of the Empire, those Provinces only had *Consulares* which lay next to Enemies, as he observed out of the *Notitia*, not only in *Gall*, but in *Africa*: and in that *Notitia*, both *Maxima Cæsariensis* and *Valentia* have such Magistrates assigned them; therefore he rationally thought them to be those which lay next to the Walls, and, at last, were most subject to the Attempts of *Picts* and *Scots*.

25. But there is another Argument for his threefold Division of *Britain*, as he found it in some corrupt copy of *Severus Rufus*, wherein the *Flavia Cæsariensis* is left out. He found that it had been observed (and that truly) how the Policy of the Church imitated that of the State; and Arch-Bishops were founded in those Cities where the *Roman* Presidents were wont to reside. Now, we read how *Britain* had of old three Arch-Bishops, viz. *London*, *Tork* and *Cæsar* Leon upon *Wicks* in *Monmouthshire*. Therefore he concludes, that the Province belonging to *London*, since translated to *Canterbury*, was the *Britannia Prima*; *Wales* was the *Britannia Secunda*; and that belonging to *Tork*, and what extends as far as the Wall, to have been the *Maxima Cæsariensis*. But if he concludes that the Province lying next, or belonging to the chief City, had the name of the first, because it appertained to that which being chief, or the *Metropolis* of *Britain*, had the first Arch-Bishop seated in it; there is another that will contend with *London* for that Title in the *Roman* times. For, although *London* hath been, as at this day, for very many Ages, the chief City in *Britain*, and above thirteen hundred Years ago was accounted an old Town, and filled *Augustus* in the days of *Ammianus Marcellinus*; nay, commended long before that, as of great Fame and Renown, even in the time of *Tacitus*, for the concourse of Merchants, and provision of all things necessary: Yet *Barterius* assigns *Tork* as the more ancient or truer *Metropolis* of this Diocesis of the *Britannias*.

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Nor





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Cawleys rail-  
ed.

sixth or Ablative Café; or Monopotes. But however, the Romans might give Terminations to, and decline the names of Towns, yet they were generally of British Extraction. They gave names indeed to few places, either in Britain, or other Provinces. But some even here they did, as *Ad Ansum, Aqua Solis, Bovium, Cæsaromagus, Calcaria, Castra Exploratorum, Colonia, Ad Pontem, Pontes, Spina, Trajectus, Tripontium, Villa Faustini*, and perhaps others to be seen in the Itinerary, which were given upon some unknown accidents, or occasions. For communication betwixt these places, and for the convenience of Travel, when Armies marched, and the Governors visited the Provinces, the Legions were, when otherwise idle, employed in raising High-ways and Cawleys, called *Via Militares, Consulares, Prætoris, Publicæ, Stratæ*, or by other names; which course was taken in every Province of the Empire. Now there being mentioned in the Itinerary no fewer than one hundred and fourteen Mansions and Towns, through fifteen Roads, or Journeys; and in the *Notitia* forty six Garrisons, viz. nine on the Sea Coast, under the Command of the Comes of the Saxon Shore, fourteen more inland, and three and twenty *per lineam vallii*, all under the charge of the *Dux Britanniarum*; though some of these be the same with others mentioned in the Itinerary, many Streets or High-ways must have been raised for convenience of passing, according to the Roman custom of Travel. And it is no way probable, that a Province so abounding with Stations, Camps, Fortresses and Cities, should have so few as four Ways of Note in it; and yet but so many our ordinary Historians do reckon. Had the *Notitia* given us an account of the Forces and Places under the Command of the Comes Britannia, as well as it hath done of those belonging to the other two great Officers, we might have found more Cities in the Island; of which, *Beda*, from *Gildas*, tells us, there were in these Ages twenty and eight most noble ones, besides innumerable Castles furnished and fortified with most firm Walls, with Towers, Gates and Locks.

34. Yet, as we said, the High-ways are commonly made but four in number, the courses whereof are differently reported, and also in some part their very Names. But one of them is called *Watling-street*, said to run out of the South-East to the North-West; from Dover to Cardigan in Wales, at the Irish Sea. The second is that called the *Kosse*, from the South to the North, from Totness in Cornwall to Lincoln, and so to Cathness the utmost of Scotland. The third is *Ermington-street*, out of the West-North-West, to the East-South-East, from S. Davids to Southampton. And the fourth is called *Iknel-street*, taking its course by Worcester, and so by York unto Tinnmouth. To endeavour certainty in all these, as one faith, were to conclude unwarrantable conjectures, and abuse both time and the Reader with various opinions, which would amount to nothing. Besides these, there are others mentioned with divers names; as *Falia Strata* in Monmouthshire, raised, as Camden thinks, by *Julius Frontinus*, of whom *Tacitus* testifies that he subdued the Nation of the *Silures*, having got the Mastery, both over the Valour of the Enemy, and the difficulties of Places. There was another way called *Strata Marcellus*, which *Giraldus Cambrensis* mentions at no very far distance, in his Itinerary of Wales, and others would derive from *Ulpus Marcellus*, who was Proprietor here under Commodus, not very long after Frontinus, whose strictness in Military Discipline *Dion Cassius* so much commends. It shall suffice me to say, that if we consider the end and design of raising these High-ways, they were made for convenience of passage, to such Garrisons and Forts as were placed according to the exigency of Affairs, as they might best curb and restrain Domestick or Foreign Enemies, or to Mansions and Places of Abode, where the Civil Magistrates executed Justice, and decided Controversies; which were so situated, as the People might with best convenience meet together. The Cawleys therefore being made for the Towns, and not the Towns for the Cawleys (though convenience of Travel, in such as were built more lately, might be an inducement to set them on, or as near to the Road as could be) they must needs take various courses, and cross several ways, nay, often divert, and north through the nearest cut. And if particular Counties were well surveyed, many Branches of the more direct and straight ones would be found. I have in *Lincolnshire* observed something of this kind, and particularly how one there is derived from that High Street which runs by Stamford, Northward, which crossing the River near *Gunsworth Ferry*, took its course down by *Deepings*, and so into the very Fenny Parts of that County.

35. Enough of Roman Britain considered within her self, as to her Buildings and Inhabitants, whether Native or Adventitious. But we must remember, that as the received

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See *Barton's*  
Comment on  
*Antonine's* Iti-  
nerary through  
Britain.See *Dodder*  
*Pier's* Book  
of *Oxfordshire*.

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Forces sent  
out of Britain.Atilia breaks  
the peace.A terrible  
Earthquake.

received Strangers in, so the sent out too many of her own Inhabitants; and upon this account her vigour abated, and her wonted strength was exhausted, being deprived of her Youth by the Ulfrurs lately mentioned. This is to be understood not so much of Strangers lying here in Garrison as those Posts we have mentioned, as of true natural Britains, at least born here, though of Roman Parents; or of other Nations, which we see were numerous in the Armies. For the Romans in furnishing their Garrisons, and defending their Provinces, thought it not wisdom to trust the Natives; but in raising their Forces, still transplanted them, as not to be armed in their own Countries. Therefore, besides those whom the Ulfrur *Maximus* and *Constantine* took away with them, it evidently appears by ancient Inscriptions, and the *Notitia* of the Empire, that these Companies hereafter mentioned served the Romans in their Wars here and there, dispersed over the Provinces, which were from time to time supplied out of Britain. We read of *Ala Britannica Millaria*, *Ala quarta Britonum in Aegypto*, *Cohors prima Aelia Britonum*, *Cohors tertia Britonum*, *Cohors septima Britonum*, *Cohors vicesima sexta Britonum in Armenia*, *Britanniciani sub Magistro Peditum*, *Invidi Faniiores Britanniciani*, *Excubitores Fun. Britan.* (both of them amongst the Palatine *Auxilia*, or Aids) *Britones cum Magistro Equitum Galliarum*, *Invidi Faniiores Britones intra Hispanias*, *Britones Seniores in Illyrico*. No wonder then it is, that Britain daily exhausted with so many and so great Levies of Soldiers lay exposed to the fury of the Barbarians; for though Natives are more to be feared, as to Insurrections, yet they more vigorously defend their own Country and Interest than others. And hereby that saying of *Tacitus*, as *Camden* observes, is proved true, that there is no strength in the Roman Armies, but what comes by Foreigners. If the Reader think fit, he may see both what Troops were furnished out of the several Provinces, and also to what other parts, in that useful Book the *Notitia*. We have made a long Digression in behalf of Britain, though it may justly challenge from us more diligence than other Countries. But so we leave her, till shortly we meet with her again, upon another account, in another dress.

36. We said at the beginning of this Year, that it was too remarkable in divers respects. And this not in the least, that now *Atilia* puffed up with pride, and delighting in Blood and Cruelty, could not contain himself, but brake the peace with *Theodosius*, pretending his Tribute was not paid him, and made an Incurtion into the Eastern Provinces, where he cut off at length the *Magister Militum*, which constrained the Emperor to do that by Gold, which his Steel would not effect, and purchased that peace again which was but suddenly to be broken. Agreeable to those Civil Commotions and Ruptures in the Empire was that terrible Earthquake, which *Marcellinus* writes to have happened in this Confulship of *Aëtius* and *Symmachus*. It raged in very many places, and therein overturned very many Cities. The Wall of *Constantinople*, though but new built, it threw to the Ground with fifty seven Towers: Stones of a great Bulk, lately placed in Building of the *Forum of Taurus*, fell down, yet did no other hurt. But many Towns being ruined, a pestilent vapour arose, which caused a Plague, and this, joined with a Famine, destroyed many thousands of Mankind. This Earthquake we take to be the same with that which *Eusebius* writes to have happened in *Theodosius* his Reign, and said to have been the greatest and most memorable of all others: such, as by its greatness, rendered inconsiderable all that were before it. It afflicted, he had almost said, the whole world. Many Towers in the Palace fell to the ground; the Wall of the *Cheroneus*, called the *Long*, tumbled down; the Earth gaped, and swallowed many Villages, besides other many, nay, innumerable other Calamities both by Sea and Land. Some Fountains were dried up, in other places water in great quantity broke out where formerly it had not been known; great Trees were torn up by the Roots; heaps of Earth were so shaken together, that they were raised into Mountains. The Sea cast forth dead Fishes; in many Islands were overwhelmed and sunk; Ships sailing on the Sea, by a sudden retrocession of the Water, were left on dry ground. In conclusion, many places of *Bithynia*, the *Helle-spont*, and both the *Phrygiæ* were grievously distressed. And this Disaster a long time, and sorely afflicted the world; but yet continued not in the same fury, but by degrees grew less, and languished, till at length it wholly ceased.

37. *Nepherus* out of other Authors writes, that it continued six Months, and that in a manner without intermission. That it reached *Alexandria*, but especially afflicted *Antioch*, the choicest rarities of which it broke or spoiled; for besides the Countries mentioned by *Eusebius*, it invaded the greatest part of the *East*; and spared

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Lib. L. c. 17.

Lib. I. c. 46.



Sec't 5. spared not many Regions of the West. Heads, that the People of *Constantinople* not daring to stay in the City, for fear of the fall of Houlis, continued, together with the Emperor, and *Proculus* their Patriarch, in the Field, wholly intent upon Prayer for the Removal of so heavy a Judgment ; which, at last, was stayed, when a Boy, being taken up into the Air, and let down again the same way, told them of an Hymn he had heard sung by Angels ; which they then applied themselves to sing. That this Hymn was afterward constantly used in the Church, being enjoyed by an Edict to be sung throughout the Empire : and the *Greeks*, in their Monology, retained the memory of the thing ; besides what is written of it by eminent persons living at that time. But *Theodosius*, when he was delivered from the danger of the Earthquake, presently set himself to repair the Walls of *Constantinople* ; and *Anthemius*, in the space of sixty days, did indeed raise the greater part of them which stood upon dry Ground ; and, by extending the *Pomerium*, did very much enlarge the City. But *Cyrus*, the *Præfect* of it, restored all that was fallen, and what ever else had by Age been broken ; and raising it to a sublime height, put the City, as it were, into a new Form and Aspect. In so much, that when, on a time, *Theodosius*, in the *Hippodrome*, was beholding an Horſe-Race, the Citizens, much taken with the Structure raised by *Cyrus*, cried out ; *Constantius built, and Cyrus restored*. The Emperor was enraged thereat ; and, under pretence that he was addicted to the Superstition of the *Greeks*, deprived him of his Dignity, and put to Sale his whole Estate. The man, much dejected, betook himself to a Church, though lately of the Pagan Profession ; and was made the Christian Bishop of *Smyrna*.

38. But *Theodorus* his humour now standing for the deposing of persons from their Dignities, was at this time hurried to far, by tricks of certain persons, as *Nicephorus* tells the story, that it reached his Sister *Pulcheria*; her that had been his great Affixer at the Helm, and had kept the Government upon his shoulders. The matter was first contrived by *Chrysaphius* the Eunuch, and great Favourite of the Emperor: who, being displeased that *Flavianus* was made Patriarch in the room of *Proclus*, lately deceased, and perceiving he could not remove him so long as she was in power; first provoked *Eudocia*, his Wife, against her, knowing the Jealousies and Emulations of Women: To fit them by the ears, he persuaded her to remove from *Pulcheria* the Steward of her House, who managed all her matters; and the tried all means with her Husband to do it, but without success; he was, as yet, so sensible of the merits of his Sister. But at length he prevailed that *Flavianus* should be required to make her a Deaconess; it being the custom, as for Great Men to be drawn by force to Bishopsricks, so for Eminent Ladies to be chosen no otherwise: to that Office or Employment. The Patriarch knew not how to shift it off; but, promising to discharge his Duty, gave her secret Intelligence of it by Letter, with advice not to come to him, lest he should be forced to do that which he himself could not but dislike. She herupon, delivering her Steward to *Eudocia*, departed to the *Hekdomas*, there to live a private and quiet Life: and the Conspirators perceiving that *Flavianus* had revealed their design, turned all their malice against him, and *Eudocia* now got the Power for a certain time. But there goes another report, of an occasion given by *Pulcheria* herself, to her Brother, to alienate his Affections from her; though the same fine story, in a manner, be told of other careless Princesses.

29. She observing how he was wont, out of lazyness, to sign all Papers that were presented to him without reading, thought to convince him of his folly, and cure him of that Distemper, by a Jeft. She drew a Writing, whereby he should make Sale to her of *Eudocius*, his Empress; and this being offered to him, he as readily subscribed as the rest. This done, when the Empress came to her, she kept her for some time, and would not let her go when he sent for her; alledging that she had bought her, and for that produced the Emperor's Hand; who was offended with the freedom, as Princes usually are in like Cases; and was urged and inflamed by his Wife, who, grudging her her power, took this opportunity to put her out of his good Opinion and it both together. And she was the more moved to flatter him, and ruin her, because the her self had of late incurred his Jealousie and Displeasure. There had been presented, you must know, to *Theodorus* an Apple of wonderful bigness, as a Rarity; and this Apple, out of kindnesse, he bestowed upon his Wife. She had a Favourite called *Pantanus*, with whom she was familiar upon the account of Learning, and that, as was thought and suspected by some, more than she ought to be. I om him she gave it; and he knowing nothing whence it came, made a Present of it to the Emperor, as some means to gain his Favour; who, receiving

*A. D.*  
4 4 6.

Triplex San-  
ctus Deus, San-  
ctus Fortis, San-  
ctus Immortalis,  
vivere nostri,  
vide Baron. ad  
h. 48.

### CHAP. III.

Se<sup>ct.</sup> 5. ceiving it now, asked his Wife, what was become of the Apple ? She affirmed, he had eaten it ; and then, by producing it, he convicted her of Untruth and Unfaithfulness ; and for this reason he was long alienated from her in his mind, and *Paulina* he commanded to be put to death. But thus was *Pulchria*, after that, well nigh forty Years, she had steered the Realm with great prudence and industry (for this was the thirty-ninth of her Brother's Reign) removed to a private Life, to the great detriment, both of Church and State.

40. Yet, by that care *Theodosius*, this Year, took for the cautious enacting of Laws, one would have judged him more circumspect and wary in a matter of such consequence as deposing of his Sister. For, being convinced, it seems, of the great Inconvenience which Precipitancy in him (who had the Legislative Power) brought to the Empire, probably, by some Remonstrance, or Petition, made by the Senate, he directed back to it a Rescript, or Oration, to give Remedy in that very Affair.

We think it, fäichbe, an Humane thing, that if, for the time to come, any necessary matter should happen, either in a publick or private Cause, which may require a general Form (or Order) which is not infered in the ancient Laws, it be handled, or debated, before; as well by the Nobles of our Palace (*Proceres*) as by your most Glorious Assembly, *Conspicue Fathers*: and if it shall please all the Judges and you, then, that it be written down, and after that, in a full Assembly, it be read over; and if all consent to it, then that it be recited in our Sacred Conclaves (*Nominis mlti*) that the Conclaves of all together may be eblafished by the

A nobleman's Serenity. Know ye therefore, *Conscript Fathers*, that, for the future, no Law shall be promulgued by our Clemency, except the aforesaid Form be observed. For, we well know, that what shall be ordained with your Advice, will redound to the happiness of our Empire, and to our Glory." This Solemnity he would have observed, for the more certainty in making Laws; and *Justinian* put the Constitution into his Code, though we know not whether always he observed it in the making of his numerous Edicts, seeing that, as he alleges in his own behalf, for repealing any thing the Ancients had done in such cases, by the old Law, called *Lex Regia*, all Right, and all Power of the *Roman* People, was translated into that of the Emperor.

41. We find no more Constitutions made this Year by *Theodolus*, but two or three by *Valentinus* in the West. — There was ever arising some new Accident, which afforded new Questions concerning Testaments, and especially, betwixt Man and Wife; the ancient Laws having, as we have formerly said, prohibited such Bequests, for reasons which then seemed very urgent. But, as *Legislators*, in making and altering Laws, must receive their Directions from Matters of Fact, as this Emperor exprelleth it, a change of Customs and Manners must consequently produce a change of Ordinances. And therefore, now, at the desire of *Leontius* one to whom he gives the Title of *Speitabiles*; and betwixt whom and his Wife *Fuacunda*, so much Affection there was, that they desired to have the *Fus Liberorum* or to leave each other their Heir, as it should happen; He added this to former Constitutions; that Married Persons, if they had no Sons, might leave each other their Heirs; whether they would do it by one Instrument alone, or else mutually make their Wills. Provided, that if any had just Ground from the Law, to bring the Complaint of an *Indofficious Testament*, such Action shall lie. “ And be-

cause many Accidents happened about Witnesses of Testaments, and sometimes Witnesses could not be had; from a Petition of one *Pelagia* (an Illustrious Woman she files her) he took occasion to ordain something more in such Cases. One *Misce* another Lady of the same Quality, designed to leave her Heir: but, not having any fully qualified to witness her Will, yet wrote it all with her own hand before she expired, and delivered it to *Cafarius*, a *Tribune* and *Notary* (*Vir Spectabilis*, he terms him) being her Brother's Son; one who, by reason of his Nobility, and nearness in Blood, the judged would be very faithful to her. And he did not at all betray his Trust, but published the Will with the same honest meaning he received in. But *Pelagia* was so modest, as, scrupling her Right, she would not meddle as Heir except the Emperor would approve of the Justice of her Cause. Upon consideration of the whole matter, he now confirmed what *Misce* had done, who could not have any other Witnesses of her Will than her Brother's Son, and her own Writing. He declared her therefore Heir for so much of the Estate as she presented Writing did name her. “

42. And that he might not deny the benefit of this Statute to Mankind, he now decreed, that it should remain as standing Law ; that If any should make choice

RRR 2

2

L. 8. de Legione  
Cod. Just. lib. 3.  
tit. 14. Dist. 16.  
Cal. Nov.

Cum enim lege  
antiqua que  
Regia nuncupa-  
batur omne Jus  
omnisque Pot-  
estas Populi Ro-  
mani in Impera-  
toriam transla-  
ta sunt potesta-  
tem, L. de Viteri  
Jure evocando  
Cod. Just. lib. 1.  
tit. 37.

t Nivel. Valenti  
 e niani 4. S. 1;  
 t Dat. 12, Cal;  
 Nov;

Ejufd. Nro. 5. 2.  
Dat. 7. Cal. Jan.

**Valentinian or-  
dains some-  
thing new ab-  
out Testa-  
ments.**

*Palchuria* forced to retire to a private life.

*Zonarias*.

Sect. 5. to write his Will with his own hand, he should have free liberty to do it; for "as much as in many cases it happeneth, that the opportunity and number of Wits, "neffes are wanting, and cannot be had by dying persons." Thus, from these Novel Constitutions we understand the particular occasions for making of the said Laws; whereas the Compilers of the Codes, studying Brevity, cut off all such Prefaces, and have left us the bare Sanctions; a thing indeed which hath prevented swelling of Books; but I know not whether it have saved the Student labour, or made him more, the History of the Case laid down in such Prefaces bringing extraordinary great light to the understanding of the Laws, as the Conclusions inform us of the manner of the Emperor's Style, or of writing to his Ministers. Being now inclined generally to give relief, the Report of *Albinus*, the *Præfatus Prætorio* and *Patrician*, found good acceptance with him in behalf of his own Office, and the *Numerarii* belonging to him; inasmuch, that he implicitly chides him for not making the Suggestion sooner. By the Medicine, we may know the Disease; for he declares, that Although, before his full time expired, any belonging to the Office of the *Præfatus* shall, by virtue of his Testimony, obtain any honest Mission, either out of love to quiet, or for some other Employment, he shall not for it be molested. Neither shall the *Numerarii*, who were Auditors of publick Accounts, be subject to any Discussions or Questions after five Years time expired; within which time he judges that truth, although latent, may be discovered; especially, the condition of no Man being to be so grievous, as to have no end of his sollicitude and fear. Further, he takes care for preventing the molesting and suing of these Officials for Expenses about Payment of publick Moneys, when the Creditors were in fault; who would put it often to other Lives, and ought to be punished with a forfeiture of it. This Indulgence he thinks fit to confer on them, for preservation, he saith, of their Safety and Fortunes; and allows, that they have *Menfures* assigned them, for their peaceable taking up of Quarters, of which of late they had been deprived. Thus we see how the case alters. How many Laws have we formerly met with, to restrain the Injustice and Violence of Officials? Now they have need to be protected against those they have formerly oppressed. And, of the reality of this need, the Emperor was so well possessed, that he orders the *Præfatus*, to whom he gives the Attribute of Parent of the *Angusti* and *Industria*, and *Præfatus Magnificentia*, to publish this most just Law, by his own Edicts; that it may appear to all Men, how in his time no other thing is to be granted but what is decent to be obtained.

Antoniæ de  
ficus die hinc

43. After this tedious Year, we arrive at length at the CCCCXLVII of our Lord; wherein were *Consuls* *Alpinus*, or *Calypius*, and *Aradabur*, or *Aradabures*. This we find to present us with almost as little matter as that gave us occasion to be large. For, what we then said concerning the Invasion of *Attila* is to be extended both to this Year, and the following; his outrageous Acts, and the buying him off having taken up considerable time. From the *Panegyric*, written by *Sidonius Apollinaris*, to *Anthemius*, afterwards Emperor of the West, it appears, that the said *Anthemius* fell upon the *Huns* as they roved through *Dacia*; that, not far from *Sardica*, he drove them up into a narrow compafs, several times worsted them; and, keeping exact Discipline in his Army, notwithstanding it wanted both Meat and Drink, engaged in a bloody Battle; wherein, though his Colleague played false, and thereby the Fortune of the Day was endangered, yet failed he not in Courage; but, by his vehement importunity, got his flying Men to rally; and renewing the Fight, though the Enemy, after that he was put to the worst, came up again; yet he defeated him, and granted him Peace, on condition that he killed the Traitor; who, accordingly, as he expresseth it, fell a Sacrifice to Justice, by a Foreign Sword. Now, for as much as *Marcellinus* writes of *Arasius*, or *Arasius*, the *Magister Militum*, his being slain by *Attila*, in *Dacia Ripensis*, though he fought well, and had killed many of the Enemies, *Sigonius* will have him to have been the Colleague of *Anthemius*, and the Traitor mentioned, though this Expedition fell out twenty Years before *Anthemius* came to be Emperor; and so, he must have been a long time in the greatest Actions. And *Marcellinus* writes; that *Attila*, after the death of the *Magister Militum*, continued his Depredations as far as *Thymopolis*. If we follow *Sigonius* in his opinion, we must add, that some other Accident happened after the Victory got by *Anthemius*, which obliged the Emperor to purchase Peace of *Attila*. *Fornandes* making mention of him that was killed, calls him *Arasius*, and *Magister Militum* of *Mæsa*; and adds that fighting valiantly near *Marcianopolis*, his Horse fell under him; and when, in that condition, he ceased not to fight, he was over-powered and slain.

44. The

A. D.  
446.

Nov. 46. Pro  
testantini  
Theodosius  
D. 1. 1. 1. 1.  
Jan.

Sect. 5. 44. The same Author, in another place, cites a passage out of *Priscus* his History, now lost, how the Historian himself was sent on an Embassy, to *Attila*, by *Theodosius* the Younger; and produceth for it his own words. Passing over, saith he, the great Rivers of *Typha*, *Thibis* and *Dracca*, we came to that place where *Vidicula* (some read it also *Vidigola*) the most valiant of the *Goths*, fell by the Wiles of the *Sarmates*. Thence we passed to a Village not far distant, in which *Attila* then made his Abode; a Village, I say, like a most large City: where we found wooden Walls made of vast Boards, so artificially joyned together, that they seemed to be all of one piece, and could scarcely be discerned to be several by one that intently beheld them. You might have seen the Rooms very large, and *Porticusses* furnished with all neatness. The Court of the House it self was hung round to a large compafs; so that it resembled a King's Palace. This was the Seat of King *Attila*, the Lord of all *Barbarians*; and such like Lodging he preferred before such Cities as he took. He adds, that he was the Son of *Munduccus*, and had two Brothers, *Ostar* and *Ross*, who reigned over the *Huns*, although not all, before *Attila*. Whether this Embassy was undertaken upon this very occasion we cannot certainly say, but probably it might; though, had it not been for his preferring that Village before the Cities he had taken, we should have thought, from the names of the Rivers, the place where they found him, not to have been within the Empire.

The Seat of  
Attila.

Castellus fuit  
Ambaffador  
hinc.

45. In these uncertainties, where we have no full direction, *Sigonius* makes another probable guess, from another passage he found in that Epistle of King *Theodosius* to the Senate, formerly mentioned by us; wherein he extols the Virtues of *Cassiodorus*, his Chancellor: that, at this time, *Valentinian*, left he alone should be exposed to the lust and fury of *Attila*, after the Peace made by his Uncle, sent his Ambassadors also, to take up the Quarrel. For, *Theodorich* having told the Fathers how *Cassiodorus*, the Father (not the Grandfather, as *Sigonius* mistakes) of *Cassiodorus* Senator his Chancellor, laudably bore the Dignity of *Tribune* and *Notary*, under *Valentinian*: adds, that As persons are wont to make choice of such as are like themselves in disposition, he was, with great dearness, associated with *Atius*, in Acts tending to the Assistance of the State; whose Advice then the Emperor (*Rerum Dominus*, he calls him) in consideration of his Wisdom and glorious Labours in the Commonwealth, in all his Councils, followed. He is (and that not to no purpose) appointed, together with *Carpilius*, the Son of *Atius*, to go Ambassador to *Attila*. He beheld him without trembling, whom the Empire feared. Being backed with Authority, he despised that terrible and threatening Countenance; neither did he forbear to contradict him, even in his talk; who, carried away with I know not what fury, seemed to aim at the Sovereignty of the World. He found the King insolent and high, but he left him pacified; and so refuted his scandalous Speeches; that he sought to be reconciled; whose interest it was not to have Peace with that most opulent Kingdom. His Constancy gave relief to the fearing Party; and they were believed not to be weak and inconsiderable, who seemed to be armed with such Ambassadors. He brought back Peace, which was not expected; whose Embassy, what it produced, thence did appear, that it was as acceptably received; as it was desired it should be. As for the Ambassador, he adds, that he had presently Honour conferred upon him, and the Emperor offered him, as a just Master, a Revenue for his pains. But, he being most rich in his own Native Moderation, having a Vacant Dignity in way of Reward, departed into the pleasant Country of the *Breuii*. He could not deny him his desired rest; who had rendered him secure from a Savage Enemy; but was sorrowful to dismiss him, whom he knew to be one of his most useful Servants.

Theodosius  
writes to  
Valentinian,  
for  
Confirmation  
of his Novel  
Constitutions.

46. That *Cassiodorus* was now sent upon this Errand, all things put together, and considered, render most probable, whether we respect Persons or Times. But of any Embassy returned by *Attila*, to either Emperor, we hear nothing: he was not so full of Courtship. But this we know, that, toward the latter part of the Year, *Valentinian* received a Message from his Uncle and Father in Law, in a Missive directed from *Theodosius*, to the Lord *Valentinian*, famous Conqueror and Triumpher, over *Augustus*, his Son; and penned according to this form. After that we had reduced into the Body of one Code both the Constitutions of former Princes and our own, our Piety (shortly after published another Law, which should give Force and Authority to the Code already made; and command that, in Judicature, such Laws should not prevail as were not produced out of it. But, in case any Law was afterward made by either of us, that which was continued in general should

A. D.  
447.

Fornandes, de  
Rebus Gothicis.  
c. 34. 35. Inter  
Historicos Gre-  
cicos a Gre-  
cibus collectis.

Cassiodorus, Viri-  
l. 1. 1. 1. 1.

Nov. 46. Pro  
testantini  
Theodosius  
D. 1. 1. 1. 1.





Sect. 5. him. He called him to him, and demanding who he was ; He told him, he was the Domestick of *Aspar*, which, when he heard, considering what he had seen the Eagle do, and how great a Man *Aspar* was at *Constantinople*, he thought it fit not to kill him, which if he did, what he judged was prefiged could not come to pass, but gave him his liberty, making him swear, that he would not take Arms against the *Vandals*; and though after the death of *Theodosius* he was promoted to the Empire, yet shewing himself in all other respects an excellent Prince, he found the Affairs of *Africa* as he left them. *Pomponius Latius* to this Relation of *Procopius* adds another, That being born of obscure Parents, and having served first in *Lycia*, falling into a sickness, he was kindly entertained in the House of *Tatianus* and *Julius*, two Brothers, where recovering of his Disease, he went out afterward with them to hunt. The heat of the day much afflicting him, they rested for some time in the Shade, where *Tatianus*, first looking up, saw an Eagle in the Air hover over him, at which astonished, he raised his Brother, and shewed him the sight: when the Soldier was awake they told him the thing, and therewith foretelling his high fortune, furnished him with two hundred pieces of Silver at his departure. This Story which seems framed out of the other, possibly gained more belief, because it is further said, that when *Martian* came to be Emperor, he forgot not the Hospitality of these Men ; but tending for them, preferred *Tatianus* to the Government of *Constantinople*, and *Julius*, his Brother, to that of *Alyricum*.

Prætor at Constantinople reduced to office.

55. To be sure *Martian* was now elected Emperor, and being well approved of by the People, easily afterward obtain'd the consent of *Valentinian*, as well upon the account of his own worth, as the choice of *Pulcheria*. How he advanced that *Tatianus* and his Brother we know not ; but at the end of the Year we find an Edict directed by him from *Constantinople* to *one Tatianus*, by the Title of *Præfectus Prætorio*, as the Copy now hath it ; but the Subject of it indeed relates to the *Prætors* of that City. The Reader may remember how many *Prætors* were in *Constantinople*, according to the various fancies of several Princes, sometimes four, five, eight, as in *Rome* in old times were eighteen. Now *Martian* thought fit to reduce the Number to three ; and those he commanded yearly to be chosen at the discretion of the Senate, out of such as lived in Town, and not in the Provinces, who were not to be compelled, to do certain things, but left to a spontaneous liberality. At his first coming to the Government he received great Complaints how those that were Plaintiffs, were wont to draw the Defendants out of their own Countries, and begin their Actions, Civil, or Criminal, either before the Emperor himself, or his great Ministers. To obviate this practice, he published an Edict whereby he commanded, That all persons, except in necessary cases, should be convened in the Provinces where they inhabited, according to the old custom and Axiom ; and this he would have extend, as well to Military, as other Persons. About the same time he was put in mind by *Palladius*, the *Præfectus Prætorio* of the *East*, how reasonable and acceptable a thing, now at the beginning of his Reign, it would be, to remit the Arrears of Tributes ; the exaction of which was very grievous to the People.

Amperius remits Arrears of Tributes to a notable Edict.

56. To this information he answered by a Rescript directed to him, as also to *Hermogenes* the *Comes Largitionum*, *Gennadius* the *Comes Reipublice*, and *Maximianus* the *Comes* and *Præpositus Cubiculi*, that it was his very care to provide for the emolument and ease of Mankind. That day and night he was solicitous so to order matters, that all Men living under his Empire might by his Arms be protected against hostile violence, and in peace enjoy liberty and security. Therefore he could not but admire the laudable suggestion of his *Highness*, who amongst several virtues, for which he was eminent, was also remarkable for his Humanity. He approves of his advice, and therefore from the beginning of the sixth Indiction, to the end of the fifteenth, lately past, he commands the exaction of Arrears to cease, whether belonging to the Patrimony, the Temples, whether of Civil or Fiscal Right, whether due in Gold or Silver, in Specie Metals, or any other Title of Collations remaining in the publick Tables, whether they appertained to the *Arca* or Chest of him the *Præfect*, to the *Treasury*, the *Ærarium*, the *Curia*, the *R. s. privata*, or the *Works* of the famous City of *Constantinople*, they shall all be remitted to the *Collators*, *Curiales*, or *Provincials*, and to others obnoxious to them. And this his liberality shall hold good notwithstanding the matter were past into private Contract, or a publick Debt, so as the Officers shall exact nothing, though they had engaged for the Debtors, or pretended to have laid

A. D.

450

Sect. 5.

out Money for them. He also remits what was behind of the *Senatorial Follis*. Provided this Pardon and Indulgence do not extend to any *Affignations* made from the fifth to the first Indiction, or later times, nor to Dues arising from Navigation, or the price of Materials, given, granted, translated and exchanged for Money, or what was due from the *Arca* of *Constantinople*. Or if any thing consisting in Gold, Species or Materials, was assigned to the publick Works of Cities, and as yet was not collected. In conclusion, he would have, as in reason, all persons concerned in this his Munificence, so far to be sensible of it, as to pay their Dues for the time to come with more care and fidelity.

57. In the West, this Year Clouds began to arise, and a terrible storm was gathering, which in that following, fell down with violence into the Western Provinces : for now *Attila* prepared to invade, and *Valentinian* to defend them in that manner, as we shall afterwards declare. And to other in these mischiefs, a great famine this Year seized upon *Italy*, which so far prevailed, as Parents sold their Children to keep from starving, of which we shall hear in the following year expressly, wherein we shall find some way propoled for their Redemption. But in *Italy* nothing was so considerable as *Rome* itself, and the scarcity of provisions seems there to have begun early, as we may guess from an Edict directed to *Epitimanus* the *Præfect* of it at the latter end of *April*. The *Præfect* had made known to *Valentinian* the inconvenience the City lay under in this respect, because the *Navicularii* had forsaken their Employment, and deserted their Charge ; in answer to which, by his Rescript, he gave in command to reduce all persons obnoxious by the Laws, without admitting any privilege or excuse, that if they died without Heirs, their Estates should belong to such as exercised the Function. That they should not build any new Ship, nor repair any so as to reduce it within the capacity of containing forty *Capes*. And besides, he gave orders for the regulating of private Vessels, and those of lesser Burthen, that the publick service might be carried on.

Novi. Valentian. 11. Tit. Theodosius, D. s. Cal. M. Rom.

58. The following Year was characterized by the Consulship of the new Emperor *Martian*, who had *Adolphus* for his Colleague ; and it was famous for greater things by far, than of late had happened. The first Month had not quite passed over, when *Valentinian* being made sensible of the heavy inconveniences produced by the Famine, directed his Edict to *Asius* the Patrician, wherein taking notice how Parents, to save their lives, had been compelled to sell their Children, he thought fit to abrogate all such servitude, and declare such Children according to the circumstances of their Birth, to be free ; provided, that where the Buyer had paid five *solidi*, for such a person he should receive six ; twelve, if ten ; and so proportionably. But if any person had sold such as were of free or ingenuous condition to Barbarous Nations, or into Transmarine Parts, he should incur a Fine of six Ounces of Gold : of such value ever was liberty, which *Valentinian* endeavoured to preserve by this Edict the most elegant and pithy of any we now meet with. There are two others that bear date on the same day, whereof one takes off some inconveniences arising from the late Law concerning the prescription of thirty years, so as the *Coloni*, or Villains who had found tricks to evade any such constraint by flying from one place and Master to another, might not thereby defraud their true owners. This is directed to *Firminus* the *Præfectus Prætorio*, and so is another, whereby *Valentinian* takes off the rigor of the former Laws, even against the Governors of Provinces. We have seen how during the time of their Administration, to prevent mischiefs, which by the terror of their places and power they might procure, they could not buy nor sell, nor receive any thing in Gift. Laws are Medicines of State, and must be applied according to the Diseases of the Times. Former Princes found good reason from the practices of their Officers to lay such Restraint upon them, and now there were emergencies of a contrary nature, which persuaded him to mitigate their severity.

Persons in place permitted to purchase.

59. And so he doth by this Constitution, whereby he makes it lawful for the *Administrantes* or *Militantes* (those in Office, Place and Power) to purchase, exchange, or receive by way and title of Donation. Provided, that these be not procured or brought about by any fraud, terror or compulsion ; and the purchaser pay down his Money, so that the Bargain be driven on, and completed *bona fide*, by intervention of Writings or Deeds proper to the several occasions. If the Buyer fall in these points, he shall forfeit the price to the seller, who shall receive back again the thing or estate so fraudulently purchased. If the seller be troublesome, and pretend fraud or violence where none hath been, he shall for-

Novi. Valentian. 11. Tit. Theodosius, D. s. Cal. M. Rom.

Novi. Valentian. 11. Tit. Theodosius, D. s. Cal. M. Rom.

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the day, but his Enemies, withal, their principal Captain; which though he did not well like, yet presuming that *Ætius* would be killed, he thought he should be no loser; such esteem he had of his Conduct, and low thoughts of the other Captains. A Battle being then resolved on, all the Morning was spent in ordering the Armies on both sides, so great was their number. *Attila* ranging all the Carriages he had by the side of a Mountain, made a kind of Rampart, where he bestowed the Women and Baggage, and divided his Army into three Battalions, placing himself with his *Scythians* and *Huns* in the middle. On his Right Hand stood *Ardarich*, King of the *Gepides*, and many others, in whom he confided; and of the Left Wing he gave charge to *Ardarich*, *Theodowin*, and *Valomir*, Kings of the *Goths*. *Ætius* was some time in suspense what to do, because he doubted of the constancy of *Sanguinanus*, King of the *Alans*, who had some thoughts of going over to *Attila*, upon report, that he would agree with him, and redeliver a City he had taken from him. In conclusion, he also made a threefold Division of his Forces, in the middle of which he placed *Sanguinanus*, and both in the Front and Rear, the most valiant of the *Roman* Legions, that the rest thereby might be obliged to fight, The Right Wing he committed to *Theodorich* and his Son, that they might grapple with the *Gepides*, a Warlike Nation, taking to himself the Conduct of the Left.

The memorable Battle in the Camp of *Catalaunum*.

4. Things thus appointed, began one of the most cruel and bloody Battles that ever were fought, though otherwise remarkable for the Flower of so many Nations gathered into two Bodies. The beginning of the Contest was to gain a little Hill situate betwixt the Armies, which would afford a great advantage to those that should fight from the upper Ground. *Attila* had privily conveyed a party to seize on it, who were encountered by *Thorismond*, the Son of *Theodorich*, whom with his *Goths* and *Spaniards*, *Ætius* had ordered to make himself Master of it. These began the Fight, and were relieved by their Friends on both sides, who stood it out from Noon to Midnight with great Animosity and Resolution, few observing anything but only intent upon the Slaughter of their Enemies; so that the particular accidents of the Battle are little known, the multitude being so great, that as Historians write, it was impossible to make out the several parties, and distinguish them. Yet some, they say, observed how a certain Ditch, near the place where the greatest Slaughter was made, was filled to the Brim with Blood, which is reported also to have overflowed the Fields in such a measure, that the dead Bodies floated in it: an extravagant report. But the most moderate is, that a little Rivulet was exceedingly raised by the Goats that strained down into it, and increased its current to such a height, that it carried down the dead Bodies. Great indeed was the number of the slain; for none retired, or betook themselves to fuddean flight: so that some reckon above two hundred thousand; and the most moderate opinion allows of one hundred and eighty, such indignation possessed both parties; the *Barbarians*, that the *Romans* had so long a time held their Dominion; and the *Romans*, that the *Barbarians*, so often defeated and repulsed, should commit such insolence against the Empire.

*Attila* worsted.

5. Although neither Party yielded, but were parted by the inconvenience of a dark night, and the *Romans* lost *Theodorich*, King of the *Goths*; yet had the *Barbarians* the worst of it, whom *Attila* caused to retreat in the best order he could, and fortified himself in the Rampart he had formerly made. *Ætius*, now Master of the Field, took such view as the obscurity of the Night would suffer, that he might in the best manner he could, post his Men, lest the Enemy should take any advantage; for he was not certain whether in all parts he was victorious, and so passed the night in ignorance, as to the death of *Theodorich*. But the Day-light manifested his success, and *Attila*, sensible of his loss, contained himself within his Fortifications, while *Ætius* his Men took the plunder of the Camp. *Thorismond* perceiving his Father to be slain was so enraged, that he resolved presently to attack *Attila*, and revenge his death, of which the *Barbarian* having notice, it is said, heaped together a company of Saddles and upon them resolved to burn himself, when the *Goths* should endanger him, rather chusing such a resolute death, than to conclude his power over so many Nations by the Catastrophe of an ignominious Captivity. But *Ætius* knowing the ambition and present strength of the *Goths*, feared lest after the utter overthrow of *Attila* they should turn their force upon the Empire, which was but in bad case to defend itself, and therefore he thought it Policy to let him escape at present, that by him the *Goths* and *Franks* might be awed, and diverted from all Attempts pernicious to the *Roman* Interest.

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*Procopius, Jordanes, Paulus Diaconus, &c.*

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Etapes hyper-million of *ediles*.

6. He advised *Thorismond*, as one that bore him good will, to hasten into *Spain*, and there take possession of his Father's Kingdom, lest any cross accident should intervene to the disadvantage of his Title. He put him in mind of what danger he was in from his Neighbours, the *Alani* and *Suevi*; and that having secured first all things at home, as a prudent Man must necessarily do, he might afterward find an opportunity to throw his filial piety in revenging his Father's death; an affection by all means to be cherished. *Thorismond* approved of his counsel, and departed with speed to take possession of his Father's Dominions, as well in *Gall*, as *Spain*; and *Ætius* suffered *Attila* to escape. Thus was accomplished the means which conducted to an effect quite contrary to the end designed by *Ætius*, whereby we may see, that Policy and Felicity are things that are often reversed, both by reason of the weakness of Man's Intellects, and the vicissitude of humane Affairs. *Ætius* having obtained so great a Victory (which as some others write, procured the death of one hundred and sixty two thousand Men, besides ninety thousand *Gepides* and *Franks*, who fell one upon another and perished the night preceding the Battle) and thereby having secured all that the *Romans* held in *Gall*, as also what *Attila* had invaded, and left the *Franks* and *Burgundians* quiet and peaceable, hastened to *Rome*, where *Valentinian* the Emperor now abode, expecting the event of the Battle. He entered in great triumph, and with incredible joy of the Spectators, who beheld him as their Patron and Protector from those dangers wherein all *Italy* was very near to be overwhelmed. But within a while *Valentinian* began to be jealous of him, imagining he had a design to make himself Emperor, and that he held intelligence with *Attila*, because he had not utterly destroyed him, as he might have done after the Battle; and the suggestion grew so high, that it proved the ruine of them both; as we shall see in due time. *Attila* being relieved for a season, and further vengeance upon *Italy*, departed into *Illyricum*.

Into *Illyricum*.

7. *Valentinian*, as by his Arms he rescued his Subjects of *Gall* out of the Hands of the Barbarous *Huns*, so by his Pen took care for settling the matters of those who in *Africa* had been harried by the *Vandals*. Besides other Acts of Grace he gave order to *Firminus* the *Prefect*, that the Lands holden of him should be taken from those who had intruded into them, and bestowed on the indigent persons that had most suffered in the War, particularly the Lands belonging to Bakers, the Rights of the City of *Rome* always saved entire. In the East the Emperor *Martian* took the like care for securing the Estates of such as had procured any Fiscal Grounds or Buildings, either by Donation of the Prince, purchase, or any other way. Provided they paid the Canon, or usual Imposition; by an Edict directed to *Palladius*, *Prefect* of the *East*, he confirmed the Possessions to them in such manner, that the Fiscal Dues being discharged, they might leave them to their Heirs, or dispose of them as they thought convenient.

Into *Scythia*.

He resolves to invade *Italy*.

Which thereupon is filled with great terror.

8. In the CCCCLII Year of our Lord, *Herculanus* and *Sporatius* had the Title and Dignity of Consuls. *Attila* was retired into *Pannonia*; and some say, would have attempted something against the Eastern Empire, if he had not been repulsed by the Arms of *Martian*, who managing his matters with great prudence, had made peace with *Persia*, and in his Treaties still got ground of that Kingdom. *Pannonia* was now become the Seat of the *Huns*, and part of it received a new name of *Hungaria* from them, and the *Gari* as *Sabellians* believes, who joined their Arms with that Nation. *Attila*, some say, thence returned into *Scythia*, his own Country, where he fretted at his last Defeat, and boiled with rage, that he should be worsted. He resolved to make another Attempt, and try once more his fortune, and that should be for a much fairer prize. He resolved to invade *Italy*, which abounded more than other Provinces with all good things; and where there were no *Goths*, *Alans*, *Burgundians*, nor *Franks* confederate with the *Romans* to oppose him; only *Valentinian* his power, to whom he bore no small a Grudge, as having hindered him not only from subduing the *Goths*, but caused him to miscarry in *Gall* in the late *Catalaunian* Battle. He raised an Army out of the same Northern Nations bigger than ever, animating them to the Expedition by hope of great Booty to be gotten. The Rumor of his intentions coming into *Italy*, a second, but more considerable part of that Tragical Fear and Trembling which had happened at the Expeditions of *Ararich* and *Radagaisus* seemed to be acted. For as by them they had had experience of the sad effects of such invasions, so they could not but apprehend greater from this, wherein a great number of *Barbarians* would be employed; and a Captain more fierce and savage than any ever heard of, who delighted to waste and destroy Mankind, as destinated particularly thereto by God himself, no otherwise

A. D.  
451.

*Novell. Valentinian. Inter Theodosiac. an. 451. Inst. 3. tit. 11.*

*Novell. Martiani. 3. Dist. 35. Cod. Titul.*

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452.  
*Herculanus & Sporatius Cons.*

Sec. 5. otherwife than as his Scourge. Now again also Stories of Prodiges were multiplied, and in every Man's Mouth; particularly a Report went of three great Stones fallen from Heaven; besides, there was a great Dearth, and that, as is usual, followed by a vehement Pestilence; things that carry dread enough along with them, though accompanied by no other mischiefs.

Thence the original of Venice to be fetched.

9. The expectation was, that *Attila* would make his passage by *Venetia*; and therefore the Inhabitants of that Quarter were seized with the greatest terror, as those who must abide the first violence of the Storm. Seeking about for shelter, they retired into those little Islands that lie in the Sea, at no great distance from Land, imagining that he would not take notice of them, but pass on his way toward *Rome*. Thence, after the occasion was over, they found to agreeable, that what they were driven upon by necessity, they made choice of for convenience, and united themselves into one City, which after the name of the Province they called *Venetia*, now *Venice*, which increasing in Wealth and Reputation for many Ages, is at this day that most Glorious and Virgin-Commonwealth, which being the Lady and Mistress of the Country adjoining (*Padua*, her old Mother passing the time of her extreme Age in her tuition,) hath equalled the length of her Arms with those of the Mediterranean, and thereby grappled with the most churlish and robust Ruffian of her time, now and then soundly buffeting him, and ever keeping him at distance, to the grand reputation of her strength, which conjoined with her Beauty and Virginitie, advanceth her above all comparison, both in reference to past and present times, and prevents all expectation of Competition for the future. This of all other Powers and Dominions in the World, is the true Offspring and Remainder of the *Roman* Empire: not any other is now to be found, but what was either out of the Pale of the Empire, or if erected within a Province thereof, hath proceeded and taken its original from the Northern Barbarous Nations. But the Inhabitants of *Venetia* were Roman Citizens, who uniting themselves in this Common-wealth, never changed their condition, neither underwent any change of Propriety, as all others have done. But of *Venice*, God willing, hereafter, in the particular History of that Common-wealth.

10. *Attila*, as soon as the Season permitted, advanced into *Italy* with a vast Army, destroying all things that were subject to Fire and Sword. *Valentinian* was not idle in the mean time, but took what order he might for defence of the Borders and Cities, by assistance of the *Gotick* Nations, commanded by two Officers, called *Alarich* and *Arthala*. But *Attila* proceeded and laid down before *Aquileia* the Metropolis of *Venetia*, seated on the point, or tongue, of the *Adriatick* Sea, formerly a Latine Colony, designed for the protection of the Borders of *Italy*, from the Insults of *Barbarians*. Having refused to yield at his imperious Demand, he begirt it round, and resolved to carry it by storm, but found such vigorous resistance, as both frustrated his expectation, and excited his Choler. The Siege of *Aquileia* hath been much talked of; but little can be found of the circumstances thereof. *Fornerius* tells us, that the *Huns* having for a long time besieged it, but to no purpose, the *Roman* Soldiers so valiantly defended it, when his Army was now ready to mutiny, and to pack up and be gone, walked about the Walls, musing and considering with himself what to do; when he perceived some Storcks which built on the tops of Houses in the City, to bring away their young ones out of the place, and contrary to their manner to carry them out into the Country. Considering all circumstances, he gave notice of it to his Men, and bade them observe how these Birds foreseeing what was to come, and that the City would be destroyed, forsook it in such imminent danger. Hereby he inflamed their minds with a desire of taking it, and being once more resolved to make trial, moved all sorts of Engines to the Walls, in the Attempt took it, plundered, and so cruelly wasted it, that scarcely did remain any Footsteps of it to be seen. So writes *Fornerius* and ancient Historians; but as to the destruction of the City, so as no Footsteps of it remained, *Baronius* gives a good reason why he cannot assent; for that the Inhabitants which had deserted the place, came back again when the Storm was over, as appears from an Epistle of *Leo*, the Bishop of *Rome*, to *Nicetas*, or *Nicetas*, the Bishop of *Aquileia*, wherein he answers certain matters, about which he consulted him, particularly what was to be done with those Women who had married other Men since the captivity of their Husbands, who now received their liberty, and returned home.

Takes Attila's.

Dr. Robert Guizot, 1742.

Ad. H. An.

11. The *Huns* not satisfied with the destruction of *Aquileia*, raged through the other Quarters of *Venetia*, which terrified with that Example, made but weak resistance;

Sec. 6. resistance; and to *Concordia*, *Altinum*, *Opitergium*, *Pavium*, and *Aeste*, all noble Towns, easily fell into the Hands of *Attila*, the Inhabitants withdrawing themselves, as they could, into the Islands. He burnt and destroyed them all as much as lay in his power, and now having done his Work here, did not pass on directly to the *Padua* to do the same by *Rome*, as he bragged he would; possibly afraid of *Attila*; but turning to the Right Hand, gave occasion to other Maritime Towns, as *Tarvisium*, *Nicea*, *Verona*, *Mantua*, *Cremona*, *Brixia*, and *Bergomum* not to rejoice above their Fellows; wholly intent on plunder, and the Destruction of Cities, those he levelled with the Ground; and then passing over *Adria*, entered *Liguria*, where he made the same Havock and Desolation. *Taurinum*, *Ticinum* and *Mediolanum*, besides others, felt the sad effects of his fury, the Citizens flying, as they had opportunity, to the Mountains, and other places difficult of access. *Suidas* tells a Story of him, how, when he was at *Milan*, taking notice, that the *Roman* Emperors were painted sitting upon Golden Thrones; and the *Scythians* at their Feet, he caused his own Picture to be made sitting upon a Throne, and the Emperors carrying Sacks upon their Backs, and out of them pouring down Gold at his Feet. Towards Winter he crossed *Padus*, and to shew that he continued the same Man still, laid waste the Cities and Country of *Emilia*, and now went to wreck *Placentia*, *Parma* and other places. All that TraG lying betwixt the *Alpes* and the *Appennine* being thus in its Alhes, the Tyrant was afterwards restrained, and the *Levianathan* had an Hook put into his Nose by the Almighty, who had mercy on the remaining parts of *Italy*.

Between the Alps and the Appennine.

Then retreats.

12. How this was effected there are various Reports. It's said that *Attila* was ready at the Borders of *Amilia* to oppose him, with a very formidable Army, and equal in strength to that of his. Others say (so doth *Fornerius*) that his Officers about him dissuaded him from attempting any thing against *Rome* it self, objecting to him the example of *Marich*, King of the *Vijgoths*, who survived not long the captivity of that City. That while he fluctuated in an uncertain Resolution what to do, *Leo*, the Bishop of *Rome*, sent by *Valentinian*, the Emperor, came on an Embassy to him, and found him at the place where was a passage over the River *Mincius*. That presently after quitting his rage, he returned whence he came beyond the *Danube*, and departed with promise of peace, withal denouncing and threatening, that he would more heavily afflict *Italy* than ever, except they would send him *Honorio*, the Sister of *Valentinian* and Daughter of *Placidia Augusta*. It was reported, that *Honorio*, for the Repute and Reverence of the Court, being kept up close by her Brothers Command, sent an Eunuch privily to him, and invited him to make war against him, that she might make advantage thereof: a very foul Act to procure liberty to her Lust by a publick mischief, as *Fornerius* justly censures it. With the Relation of *Fornerius* agreeeth that which is made by *Paulus Diaconus* in most particulars. But to that concerning *Leo* he adds, that the Attendants of *Attila* demanding the reason why he was so easily drawn from his purpose by the persuasion of the Bishop, he answered, that he saw one stand by him in Sacrodotial Habit, of great Majesty, and venerable Aspect, who with a drawn Sword threatened him with death, if he did not comply with the Bishop's Requests.

13. Had the Writings of *Prius*, a Rhetorician, come to our hands, we might have had good intelligence concerning the Wars of *Attila*; for he, as *Evagrius* tells us, in a peculiar Treatise declared at large, and with a flowing style, how he invaded both *East* and *West*, how many, and how great Cities he won, and how he behaved himself to the end of his days, which some say was brought about by a Knife, and the Hand of a Woman, at the procurement of *Attila*. But however, gone the Tyrant is back into *Scythia*, and we may hear more yet of him before the time of his death, though these Writers tell those things as happening speedily one after another. Now we must see what farther happened in *East* and *West* in the Year of his Invasion, of Civil Concernment. We find at *Constantinople* two Advocates or Patrons of the Treasury or *Fiscus* made instead of one, to whom *Martian* by an Edict directed to *Palladius* the *Præfect*, gives much place and Honour as formerly the sole Advocate had enjoyed; for when one Dignity is conferred on two persons, it is to be understood to be conferred in *solidum*. This same Year he published another Law, directed to *Aporatius* the Consul, and that for Reformation of the Consulship it self, and restoring it to its pristine Honour. But he forbids the casting away of Money amongst the multitude according to the old custom, assigning that expence to the repairing of *Aqueducts* of the City of *Constantinople*.

Martian reforms something about the Consulship.

A. D. 452.

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miscarried in the Attempt; for Kingdoms and Empires are wont to be disordered more by plenty than scarcity of Successors. They went about to divide their Father's Dominions by lot, so as all might share, not only his Hereditary Countries, but the conquered Nations. *Ardarich*, King of the *Gepida*, perceiving this, and disdaining, that so many Countries should be subjected to such wretched Slavery, first rose up against the Sons of *Attila*, and shook off the Yoke from his own Neck, whose example was of such force, that the other Nations encouraged by his success, asserted and procured their former liberty. He with his Associates gave Battle to the *Huns*, and their Subjects in *Pannonia*, near to the River *Nesah*. *Fornandes* esteems it a fight to be admired, to have seen the furious *Goths* fighting with his Sword, the *Gepida* breaking all his Lances in the Wounds of his own Men, the *Sueve* to presume upon his Feet, and the *Huns* upon his Arrows; the *Alani* to fight with heavy, and the *Herulus* with light Armour. After terrible Conflicts an unexpected Victory happened to the *Gepida*. For the Sword of *Ardarich* and his Associates destroyed near thirty thousand of the *Huns*; and their Assistants. In the Battle perished *Ellac*, the eldest Son of *Attila*, whom his Father so far loved more than the rest, that he preferred him above them all in the Kingdom. But his fortune was not answerable to his Father's Wishes; yet after great Slaughtering of his Enemies, he died so valiantly, that if his Father had been alive, he must have wished for so glorious an end. The other Brothers after his death were driven towards the Shore of the Sea of *Pontus*, where formerly the *Goths* had inhabited.

His Sons driven to the Shore of Pontus.

Their Possessions shared.

19. Thus did the *Huns* fly and retire, who lately, as was thought, would put all other Nations to flight; so pernicious a thing is Dissension. The People lately subject to them, now lifted up their Heads with joyful expectation of freedom, and many sending their Messengers to the Emperor *Martian*, he kindly received them, and assigned them places to inhabit. For the *Gepida* having by force possessed themselves of the Seats of the *Huns*, as Conquerors held all the Coasts of *Dacia*, and required nothing farther of the Empire but Friendship, and such things as were due to valiant Men; which the Emperor willingly granted, and this became a custom to the days of *Fornandes*. The *Goths* perceiving that the *Gepida* had seized on the Seats of the *Huns*, and that the *Huns* were retired to the Quarter that they had formerly possessed, resolved rather to use fair means, and desire a Country from the Empire, than with danger to invade the Territories of other Nations by force, and so received *Pannonia*, extending out in a long Plain, having on the East *Moesia Superior*; on the South *Dalmatia*; on the West *Noricum*; and the *Danube* on the North; all this Tract extending from *Sarmium* to *Vindobona*. The *Sauromata*, or *Sarmata*, the *Comandri* and some of the *Huns* fate down in that part of *Ibrycum* near the Castle *Martena*. The *Sciri*, the *Sagarii*, and the rest of the *Alani*, with *Candax* their Captain received *Scythia* the less, and *Moesia inferior* to inhabit. The *Rugi* and some other sorts of People went to inhabit at *Biozimet* and *Scandiopolis*. *Flavius*, the younger Son of *Attila* chose for himself and his Followers a place in the utmost of the lesser *Scythia*. *Eminedzar* and *Uzindur* his Kinsmen in *Dacia Ripensis*; *Uto* and *Iscalmus*, who formerly held it, and many of the *Huns* falling into *Romania*. There were other *Goths* called *Minoris*, yet a vast People, with their Bishop and Primate *Fulphas*, who is said, to have instructed them in Learning, and those in the days of *Fornandes* held that part of *Moesia* called *Eucopolitana*. This Narration of his concerning the fixing of these several Nations is very much to be regarded, and which will receive illustration from what we shall say afterwards concerning the original of the *Goths*.

20. As this Year was fatal to *Attila*, so to some other great Princes; for now died *Thorismund*, King of the *Goths*, who was killed by a Dependant, as he was letting Blood. And to these, some add the death of *Pulcheria Augusta*. To be sure it was fatal to *Atius* the Consul, and consequently to the Empire it self; for so writes *Marcellinus*, that now *Atius*, the Patrician, the great preserver of the Western Empire, and formerly the terror of *Attila*, was together with *Boetius*, his Friend, slain in the Palace by *Valentinian* the Emperor, and with him fell the Western Empire, which hitherto, saith he, it hath not been possible to restore. This he tells in short, of which *Procopius* gives a larger account, as to the occasion and motives. There was amongst the Senators one *Maximus*, a Roman, of the posterity of that *Maximus* who usurped, and was overthrown by *Theodosius* the Great, the day of which Victory was kept holy in memory of it, in the time of the Historian. He had a Wife which excelled in prudence, and also in Beauty; and with her the Emperor

A.D. 454.

Fornandes, p. 55.

Hist. Vand. lib. 1.

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peror *Valentinian* fell desperately in love. Not knowing how otherwise to enjoy her he bethought himself of this wretched course. He sent for *Maximus* to Court, and beating him at Dice, received his Ring from him as a Pawn for the Money he had lost. This he sends privately to his Wife, as a token that she should come and give a visit to *Eudoxia* the Empress, and the not doubting any thing, came in her Litter, but having entered the Palace, was seized by some Men that were set on purpose, and conveyed into a private Apartment, where *Valentinian* by force had his will of her. Home he returned, and by tears and all other expressions of sorrow testified how much she repented the injury, and cursed *Maximus* for giving occasion to such mischief. With this he was enraged, and devised how he might procure the destruction of the Emperor. He irritated *Atius*, whom he knew to be so great a Captain, and had lately defeated *Attila*, and therefore thought it best first to remove him out of the way, in whom understanding Men placed their hope; and by assistance of the Eunuchs, who were his Friends, he persuaded *Valentinian*, that *Atius* had a purpose to usurp. The Authority and Power of the Man procured the Emperor to admit of this Jealousie: and therefore he commanded him to be slain. When the Fact was done, some say by the Emperor's own hand, some say by others, he asked a certain Roman whether he had not done well to take him out of the way. He answered, that whether he had done well or ill he knew not: but this he knew, that he had cut off his Right Hand with his Left.

Upon what occasion.

Great Famine and Pestilence.

Valentinian

21. This fatal Year was not concluded with these mischiefs. For in it died the *Pandals* from *Africa* exercise Pyrac, and made Depredations in *Sicily*. Several of the Provinces of the *East* were also grievously harassed with Famine, and a Plague; particularly in both the *Phrygia*, in *Galatia*, *Cappadocia* and *Cilicia*, there was such want of Rain, that Men being destitute of Necessaries, had recourse to pestiferous and deadly food, which cast them into great Distempers; their Bodies swelled, and so excessive was their heat, that by great Inflammations they lost their sight, were seized with Coughs, and on the third day they died. *Eugarius* writes, that the Plague could no way be cured; but by the providence of God the Famine was allayed by Nourishment which fell out of the Air, as *Manna* of old did to the *Israelites*; and the year following the earth of it self brought forth abundantly. He adds, that not only *Palestine* was in this manner afflicted, but other heavy Calamities raged in many and almost infinite other Regions. Amongst these infinite other Regions are to be reckoned the Western and Northern Tracts, which otherwise appear to have been afflicted with Famine; and particularly the Country since called *Austria*, with the chief City, known at this day by the name of *Vienna*; but then, it's said, called *Fabiana*.

Ternad. l. 22.

Lib. 2. c. 1.

22. The Year of our Lord CCCCLV being by some styled the Year of Vengeance, or Revenge, for reasons we shall shortly relate, was known by the eighth Consulship of *Valentinian*, and that of *Anthemius*, his Collegue. Now did the Designs of *Maximus* come to a ripeness, in way to his purposed Revenge. For having removed *Atius*, who alone was able to prevent, or render invalid any Attempt; he then insinuated into the Servants and Dependents of that great Man, and persuaded them to revenge his undeserved death. Upon two of his Guard, known to posterity by the name of *Ofilia* and *Tranfila*, his words had greatest operation, who laying their Trains as would best accomplish their business, fell upon him as he was making a speech from the Tribunal, in the *Campus Martius*, when he thought neither of conspiracy nor death; and having first dispatched *Heraculus*, an Eunuch, who valiantly interposed and endeavoured to save his Master, slew him in the place. Thus he is said to have perished in the thirtieth year of his Reign, and the thirty-fifth of his Age, on the eighteenth day of *March*. During his Government, the Empire, which in the time of *Honorius* began much to decline, grew to be seized of a mortal Distemper. But this may be said in his behalf, that he was not unhappy in the Contest he had with the greatest Foe and Enemy of these times, having by his Arms sometimes worsted *Attila*, and otherwhiles obliged him to pack up and be gone out of his Dominions. To be sure he was the last that may seem to have been an Emperor indeed, in whom true Imperial Majesty resided. For those that followed him in the *West* were Usurpers. Usurpers, or like Apparitions, that soon appeared, and soon vanished. Under them the Limbs of the Empire were torn in pieces one from another; and the Provinces were daily lost, and fell into the Hands of Barbarous Nations. And as with the Growth of the Empire good Letters had received increase, and were propagated; so they lan-

A.D. 455.

Valentin. A. 8. G. Anthemius Consul.

guished



Sect. 6. guished together with it, and study being little regarded when life it self is to be preserved, dwindled at length into Barbarism and Ignorance. This is seen by that slender Account we have left us concerning the revolutions of the succeeding times. A. D. 455.

## S E C T. VII.

## The Seventh Step to the Ruin of the Empire in the West.

## Containing the Pangs and Expiring of the Empire of the West.

## From the Death of Valentinian the Third to the deposing of Augustulus.

## The Space of Twenty one Years.

Maximus the  
Murderer in-  
surge.

1. **V**alentinian being dead, *Maximus*, the Contriver of his Ruine, easily advanced himself into his Seat; there being none indeed that could well oppose him. Being seated, he now considered how he might best establish himself. He thought it would contribute to his security, if he committed the trust of the Army to *Avitus*, a person famous for his well discharged Employments, who at present was *Præfectus Prætorio in Gall.* There was no Son or Brother of the deceased Emperor left to call in question his Title; but *Eudoxia*, his Wife, was still alive, and he resolved by Marriage with her (his own Wife being lately dead) to gain reputation and vigor to it. Therefore did he, as both *Procopius* and *Evagrius* write, force her to take him for an Husband; and yet was he so captivated by her Arts, or his own affections, that love arising sometimes it seems from policy, in the night, when they were in Bed, he told her all the Story of *Valentinian's* death, how it was contrived and brought to pass; and endeavoured to make her believe, that it was all designed and contrived out of his love to her person. She hated him before, as *Procopius* tells us, and was now enraged to find how he had caused her Lord and Husband to be murdered, and ascribed all the Villany to her, as the cause that principally moved him. No sooner was the Morning come, and she was out of Bed, but burning as much with desire of Revenge, as he did with Love, she sent away a Messenger to *Genesrich*, then lying at *Carthage*, to let him understand, how her Husband the Emperor had been wickedly murdered, the Empire seized, and her own person in a manner captivated by a Traitor, and that he should act like himself, and the Ally of *Valentinian's*, *Procopius lib. 1. Pandul. lib. 1. Evagrius lib. 1.* if he would come, and by his Arms vindicate the Roman Name and Majesty from so great Dishonour. The Message was very acceptable to *Genesrich*, who had long desired to find out such an opportunity as was now offered to him, and glad he was, that *Theodosius* was dead, and so could not take the work out of his Hands, which he thought *Martian* would neglect, as having no such Relation to *Eudoxia*.

2. He rigged up his Fleet, put aboard his Men, and with all alacrity pursued his Voyage, such courage did the expectation of the rich Booty put into him. And he could not have come at a better time; for the Man he was to deal with, was as much now down in his spirits, as he himself was joyful and frolick. He had formerly lived at his ease, and in great affluence of all both conveniences and pleasures. *Maximus* had run through all sorts of Honours and Preferments below the Purple, and his Senatorian

Sect. 7. Senatorian Dignity, his great Estate accompanied with a good conscience and reputation, made his Nights possibly no less easy and pleasant than his days. But now his ease was disturbed by continual cares and perplexities about securing his ill gotten Dominion; his Counsellors, his Guards and Soldiers distracted him, and in vain he fought by night for that sleep and rest which should give some intermission to his anxieties. This is affirmed by *Sidonius Apollinaris*, in his answer to the Epistle of his Friend *Serranus*, wherein he had much extolled the felicity of this *Petronius Maximus* his Patron. In that answer he affirms, that he had heard one *Fulgentius*, a person of Queſtorian Dignity, relate, how he had often declared to him by his own Mouth how much he abhorred that Burthen of the Empire, which he had so ambitiously pulled upon his Shoulders, and how happy he esteemed the condition of *Damocles*; who had born the necessity of a Royal Estate, only during the length of one Dinner. Of this *Damocles* the Story is obvious, how being familiar with *Dionysius*, the Tyrant of *Syracuse*, he excessively and ignorantly was wont to extol the felicity at which his Friend and Patron had arrived. *Dionysius* asked him if he would sit down to Meat at his Table, and thereat in a plentiful Entertainment make an experiment both of the conveniences and inconveniences, which he so splendidly enjoyed. He consented, and joyfully sat down, accoutred in *Regalibus*; with costly and delicious Fare was he entertained, and served as a King in all respects, like some *Sardanapalus*; so rich was the Furniture of his Table, so great was the value of his Vessels he drank in, set out with Gems and Pearls; and so numerous and well habited his Attendance. But when he began to fall to his Victuals, his Stomach was quickly turned by a fight he beheld over his Head. There hung from the Roof of the Room a naked Sword in no stronger a bond than the Hair of an Horse, which put him in continual danger of having that Throat cut which should swallow the Meat, and procuring a false and uneasy passage for his delicate Viands. Now like another *Tantalus* he desired to remove from those pleasant things he could not enjoy; and by his prayers mixed with tears and sighs hardly obtained a dismissal from his Royal Delights, from which his Heels carried him with greater celerity and ease than they brought him thither. This Story *Sidonius* relates and philosophizeth in more apt words and expressions than usual upon that ticklish and uncertain, though specious condition of those Men who chuse to feed on Blood, before the Feast of a good conscience, and forsake their ease and quiet to attain the short and anxious pleasures of Usurpation.

3. In this plight was *Maximus* found, when *Genesrich* with three hundred thousand, (as some write improbably) of *Pandals* and *Moors* landed upon the Coast of *Africa*: His sudden and unexpected coming contributed to the confirmation of the Usurper, and consequently to his own success, and the expedition of his Business. The City was absolutely surpris'd, the Inhabitants thereof being quite put out of all other methods of consultation, than how best every Man should shift for himself, into Mountains or other places difficult of access, or hard to be discovered. And *Maximus* himself would not be one Furlong behind them. He fled as well as the rest, destitute of all his Friends, whom some Senators, his Enemies; seeing to be alone, and without defence, were so bold as to take the advantage; and some him; then being dragged all torn and bruised as he was, they sent his Body by one *Ulfus*, a Roman Soldier, to be cast into *Tiber*. This happened about the twelfth of June, and some three days after *Genesrich* entered the City, now fully exposed to his lust and appetite. He had promised *Eudoxia* very fair things, in reference to moderation, and abstinence from all rapine and plunder. *Leo* the Bishop also with some of the Nobility met him at the Gate, and the better to move him, put him in mind how even *Attila*, a Pagan, had been persuaded to own the respect that was due to the Mistress of the World. But he was deaf to all charmings of this nature, and contrary to his faith given to *Eudoxia*, not only rifled the Imperial Treasure; but all that was excellent besides. The Statues and Tiles of *Augustus Capitolinus* he made bold with, and he took away the Vessels of the Temple of *Jerusalem*, which *Titus* formerly had brought to *Rome*; and afterwards when *Africk* was recovered, were by *Belisarius* sent to *Constantinople*, and returned back to *Jerusalem* by order of *Justinian*. *Evagrius* writes, that the Barbarian being of inconstant behaviour, and little fidelity, set the City on fire. Others speak only of the burning of such things as were made for show and pleasure; some, that *Leo* meeting him in his way, persuaded him to abstain from Blood and Fire; yet he took away all the Wealth, except that of the three principal Churches, and led away many thousands of Prisoners into *Africk*.

And *Genesrich*  
rifled Rom.

Sect. 7.

Who carries  
away prisoner  
Eudocia and  
her two  
Daughters.Avitus made  
Emperor in  
Gall.Lays down the  
Purple.

4. It's affirmed by others, that the plundering of Rome continued fourteen days; and several write, that most of the plunder was loft at Sea; though *Procopius* mentions it as a report that only that Ship which carried the Statues was sunk, and the other Vessels arrived safe with the *Vandals* in the Port of *Carthage*. But amongst other Prisoners, notwithstanding the faith given to her, he carried away *Eudocia* the Empress, and her two Daughters *Eudocia* and *Placidia*, whereof *Eudocia* he married to his eldest Son *Honorich*; and *Placidia* became afterwards the Wife of *Olybrius*, a Noble Roman Senator, being by *Genferich* sent away with her Mother to *Constantinople*, at the desire of *Leo*, who succeeded *Martian* in the East. So *Procopius*, but *Evagrius* writes, that he sent *Placidia* the younger Daughter together with her Mother, and that with Royal Equipage to *Martian* himself, hoping thereby to mitigate his displeasure; for he was highly offended with the burning of *Rome*, and the ill usage of *Valentinian* his Daughters: and that afterwards *Martian* gave *Placidia* in Marriage to *Olybrius*, a Noble Man, and Senator of *Rome*, who, when the City was taken, had fled to *Constantinople*, and to whom, some say, he had been formerly contracted. After the death of *Maximus* followed an Inter-regnum in the West for twenty eight days; and then was *Avitus* acclaimed Emperor in *Gall*, who having been by *Valentinian* preferred to the Dignity of *Præfatus Prætorio* of that District, was also lately by *Maximus* made *Magister Militum*, and at this time discharged the Office of an Ambassador in a Negotiation of Peace to *Theodorich*, King of the *Goths*, who, some write, having slain his Brother *Thorismund*, had seized on his Kingdom. By the assistance of the *Goths*, and especial procurement of *Theodorich*, he was promoted to the Purple. *Avitus* was a Man of excellent Qualifications, both as to War and Civil Matters; of great Nobility, an excellent Orator, as excellent a Lawyer; not unaccustomed to the Travels and Inconveniences of a Soldier. Being against his will, advanced to the supreme Honour, to the great joy of the Provincials of *Gall*, who promised themselves all good things from the Government of so brave a person, he applied himself to such Councils as might best conduce to the safety of the State. Particularly took order for defending the Quarters lying beyond the River *Ligeris*, against the Incursions of the *Franks*, and those on the South side of the said River, or nearest to *Italy*, from the violence of the *Goths*. And by virtue of the League and Friendship contracted betwix him and *Theodorich*, he committed that portion of *Spain* which as yet acknowledged obedience to the Empire, to be defended by him against the Attempts of *Riccar*, King of the *Suevi*. And so we quit this Year without any other observations, but that on the tenth of *July*, the same day that *Avitus* was inaugurated, happened a great Earthquake in *Novia*, that therewith all the City *Sabaria* was overwhelmed.

5. That follows which was the CCCCLVI of our Lord; and as the Chronicles of *Cassiodorus* and *Marcellinus* do mark it, had for Consuls one *Pobin* and *Pharanes*, or *Parares*. But that *Avitus* the Emperor himself assumed this Title, we are sufficiently informed from the Panegyrick made to him by *Sidonius Apollinaris* in Verse, on New-years-day, and that in the very way of celebrating his Consulship. And *Baronius* puts himself out of doubt by producing an ancient Inscription, extant at *Rome* in the Church of *S. Agnes* in the *Numentana* Street. But so it might happen, that together with the Purple *Avitus* might also quit the Consulship. For *Cassiodorus* notes, that this Year he laid down the Imperial Dignity at *Placentia*, and that he ceased to be Emperor is no doubt at all; but as to the occasion of it there are various Reports. *Evagrius*, in short, faith he died of the Plague; *Nicephorus* by Famine; but *Gregory of Tours* writes it for truth, that living luxuriously, he was cast out by the Senators, and at *Placentia* was ordained Bishop of that City. That for all his deposing, having found that the Senate, still angry with him, designed to take away his life, he resolved with many rich offerings to take Sanctuary in the Church of *S. Julian*, a Martyr of the *Averni* (whose Countryman that he was, *Gregory* faith, was most manifest) and dying in the way, was buried in the Town he calls *Brivataensis Viciis* at the Feet of the said Martyr. Now some there are that fetch the Story a little higher. They tell us how *Avitus* having settled his Affairs in *Gall*, resolved to pass into *Italy*, and take possession of the Government of that Country to which he had a just Title, as well as to the other Members of the Western Empire. With the assistance of the *Goths* he passed the *Alpes*, went to *Rome*, and there finding no opposition, applied himself to State Affairs, which he managed in such tranquility, that as being altogether secure from Plots and Conspiracies, he dismissed his *Goths*, trusting to the fidelity of the Ro-

mans.

A. D.

455.

A. D.

456.

John &amp; Varane Cæ.

Principis antio-

rior iam consula-

lis iste consula-

tus &amp; contra-

rita trahit

Diametria

consula-

tus iste consula-

tus &amp; contra-

rita trahit

Diametria

consula-

tus iste consula-

tus &amp; contra-

rita trahit

Diametria

consula-

Sect. 7.

Theodorich  
victorious in  
Spain.The Franks  
erect a King-  
dom in Gall.Avitus also falls  
out.

Avitus dies.

The Senate perceiving how exposed he now was, and hating him, either for his luxurious life, or in obedience to some instructions receiv'd from the Emperor *Martian*, laid their Trains, and easily drove him out of the City. Being in this distress, and not knowing how to recover his Station, he resolv'd for *Emilia*, and with a slender Company came to *Placentia*. At that time *Ricimer*, a *Sueve*, who had been by *Valentinian* made *Magister Militum*, in the room of *Ætius*, in a manner sustained all the Burthen of *Italy*. He hearing of *Avitus* his coming to *Placentia*, went thither, as he pretended, to wait on him; but in compliance with *Martian* his orders, raised a Mutiny, and compelled him to divest himself of the Purple; and in the tumult *Assianus*, the *Patrician* of *Avitus* was killed, while he courageously endeavoured to defend the Dignity of his Prince, who on the seventeenth of *May* suffered this Degradation, which he had not deserved. But probable it is, that out of hatred to *Maximus*, who had made him his *Magister Militum*, and who had been the cause of the burning and plundering of the City, the *Romans* would not own him for Emperor, abominating all things and persons that had any relation to that Man. Some reckon ten Months and eight Days to his Government; but *Evagrius* only allows him eight Months.

6. In the mean time, *Theodorich* (or as *Isidore* calls him *Tenderich*) King of the *Goths*, who with the *Galls* had assisted *Avitus* in obtaining the Empire, with a numerous Army quitted *Aquitain*, and with his leave and consent invaded *Spain*. There he was opposed by *Reccar*, King of the *Suevi*, and twelve miles off from the City called *Urbs Asturigenis*, by the River *Urbicus* he gave him Battle; but the Victory fell to the *Goths*, and the *Suevi* being slaughtered in great numbers, some of them taken, and many running away, their King was wounded, and seized in his flight, and being presented to *Theodorich*, was put to death. After this, many that had escaped the Battle yielded themselves, and some being punished in the same manner, the Kingdom of the *Suevi* was in a manner extinct. *Theodorich* now waited *Gallicia* and *Lusitania* (now *Portugal*) but his absence in *Spain* fell out well for *Childerich*, King of the *Franks*, who had not long before succeeded *Merovee*, the Successor of *Clodio*, as he of *Pharamond*. Who this *Pharamond* was, doth not appear from *Gregory of Tours*, and who preceded him in that Dignity is also obscure, but that this most valiant Nation had Kings before, is evident both from *Ammianus* and others. The *Goths* being diverted thus in *Spain*, and the *Roman* Army having followed *Avitus* into *Italy*, the *Franks* had the opportunity they often had fought in vain, in settling their Kingdom in that noble Country of *Gall*. Long and often before had they invaded it, but were repulsed, as in the time of *Aurelianus*, and during the Reign of *Fulian*, besides many Incursions suddenly made upon occasion. In the time of *Valentinian* the Third they joined with the *Burgundians*, and piercing further into the *Roman* Pale, were, as we have formerly shewn, repulsed by *Avitus* and *Majorianus*. At length by occasion of *Attila* his Invasion, they got into the middle of *Gall*, and there from this time established their Kingdom at *Paris*, under *Childerich*, concerning whom we shall speak at large in the particular History of that Nation, as also the original of these *Franks*. But thus was another Principality cut out of the Body of the Western Empire.

7. The Year of our Lord CCCCLVII, is characterized with the Consulship of *Constantine* and *Rufus*. The Inter-regnum in the West still continued, *Sidonius Apollinaris* having proved but a bad Prophet in his Panegyrick to *Avitus*, when he feigned how the *Parce* spun an happy time for his Government, and Golden Ages should be ushered in by his Consulship. So lucky was this Age, that *Genferich*, the *Vandal*, having broken the League made with the *Romans* by the violence offered to the City, resolve to pursue what he had unjustly begun, and give stamp to one mischief by another. For now did he seize upon that part of *Affrica*, which in the partition of that Country was left to *Valentinian*, and driving away the *Roman* Officers, added it to his own Dominion; and so fell off also that noble Province from the Empire, and continued in the hands of the *Vandals* till afterward it was happily recovered by *Fulian*. As *Rome* was now in the condition of Widow-hood, wanting an Head and Governour, so the same thing shortly happened also to *Constantinople*, which in the beginning of this Year underwent the like change. For before the beginning of *March*, (some say, on the twenty sixth of *January*, others, on the twenty fourth of *February*) the Emperor *Martian* departed this life, at such time as being highly sensible of the Indignities and Injuries put upon the Empire by *Genferich*, he prepared by his Arms to revenge the Affronts which the Majesty of *Rome* had received. To his Reign Chronologers assign six

V v v v

Years,

A. D.

456.

Isidore ad ec-  
cliam, 491.  
Edition Græci-  
ca.

A. D.

457.

Constantino  
& Rufo Cæ.

Felix

tempus avre-

toris

imperiis au-

gustis univ-

ersalis aevi,

Felix voluit

libus ducere

seculi persequi.

Sect. 7.

Years, six Months, and two days. And though we hear little of him, yet is he much commended by some Writers for his Wisdom and Felicity in Government. Indeed quiet and repose is the end of good Government, and when we hear little of Action, Stirrs or Commotions, we may hope, that where there is no Attempt for Reformation, there is no need of it; where there is no application of Remedies or Preservatives, there are no considerable Indications. The danger is, when the Disease is palliated, when the peccant matter is rather tempered for a while than fully altered; when the lazyness or negligence of the Physician confuting only his own ease, contributes to the urgency of the humours. This we must say, that in the time of *Martian* the *Barbarians* gave little or no disturbance on his side of the World; and thus we do not find he purchased with Money or Gifts; if he palliated the fore, we shall find it break out again with greater violence. He is praised for his Bounty to the Poor; and his prudence is further taken notice of in this, that the Army he left subject to the directions of the Senate, and the Senate it self so modest and unanimous, that though he left no Heir to the Imperial Title, and many members there were of it, who by reason of Birth and Interest might have had encouragement to set up for themselves, yet in the election of a Successor, there were no such ambitious practices. Of his Religion, for which he is much revered, we are to speak in another place; but in this of an Edit made by him concerning the Marriage of Senators, which having omitted in its proper Year (for it bears date in the Consulship of *Aetius* and *Stadius*) it will be here convenient enough to speak of, as that which will not give any ill favour to the Affairs of the dead, or cast any blot upon his memory.

His Commendation.

8. It was occasioned by a Consultation of *Palladius* the *Prætorius*, who desired an explanation of a Law made formerly by *Constantine* upon this Subject. He had ordained, that no Senator, *Perfectissimus*, *Dumvir*, *Municipal* *Plamus*, or *Priest* of a Province, should take to Wife any Slave, the Daughter of a Slave, or Freed Woman, the Daughter of a Freed Woman; any one made a Roman Citizen, or Latine, a Stage-player, or the Daughter of a Stage-player; a *Tavernaria*, or *Vinnaller*, the Daughter of such; of a *Leno*, or *Brothel-house-keeper*, or of an *Arenarius*, or *Fencer*; or such a Woman that publicly kept any base Trade; and to these forbidden persons added this, neither a mean nor object person. Now it became a great Dispute in Courts of Judicature, whether by a mean and object person any poor and obscure Woman might be meant, however of free and ingenious condition, and so the Law exclude such from marrying with Senators. To remove the doubt, *Martian* declares it very absurd to imagine, that honest poverty should tend to any ones disgrace; for as much as oftentimes slender fortunes have procured to very many persons much Glory, and narrow estates have been the testimony of moderation. And who can, faith he, imagine that *Constantine* of famous memory, when he prohibited the Beds of Senators to be defiled with the filth of polluted Women, did prefer the gifts of fortune before the good things conferred by Nature: and put Ingenuity (or the state of freedom) below Riches, which the variety of accidents may, as well take away as give; whereas that cannot be taken away if born with one. No, he who was the greatest lover of what was decent, and a most sacred Censor of manners, did judge these to be mean persons, and unworthy of the Matrimony of Senators, whom, either the ugly blot of their Birth, or a life dedicated to some disgraceful Trade, pollute with sordid marks, and, as it were, gives them a stain, either by reason of the filthiness of their original, or the obscenity of their profession.

His interpretation of a Law of Constantine, concerning the Marriage of Senators.

9. Therefore to take away all doubts wherewith the minds of some persons may be possessed: all these things remaining fixed and established, which the Constitution of *Constantine* (divine memoria) hath ordained, we judge and determine, that by a mean or considerable woman, shall in no wife be understood one that is poor, yet born of Parents of free condition. But we ordain, that it may be lawful to Senators and others, enjoying the most ample Dignities to take in Wedlock such as are born of ingenious Parentage; although they be poor, and that wealth make no distance betwixt those of free condition. And those we esteem to be mean and object persons only, which being reckoned up, and particularly expressed, the said Law prohibits to be joynted to Senators, that is to say, a Slave, the Daughter of a Slave, one made free, and the Daughter of such; one made a Roman or Latine Citizen; a Player, or the Daughter of a Player, a *Tavernaria*, or the Daughter of a *Tavernarius*, of a *Leno*, or *Brothel-house-keeper*, of an *Arenarius*, or one publicly professing some sordid employment. And this we believe was the meaning of *Constantine* in the Sanction which he published;

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and that he therefore inhibited these Marriages, left Senators should be joynted not so much in Wedlock as in Vices with these Women. Moreover, what hath been ordained in Sacred Constitutions either by *Constantine* (of famous memory) or by other *Divi Principes*, concerning Natural Sons and their Mothers, of Concubines also of ingenious condition, and concerning those Women that were married after the death of the Wife, we command to be observed inviolably, yet so, as those which were made later shall be of greater authority than the former, and whatsoever is behind in time shall be more valid in its Sanction. Therefore *Palladius* the *Prætor*, most dear to the *Augusti*, thine illustrious and magnificent Authority, shall by thine Edicts expost to view, according to custom, cause this Law of our Serenity, as that which shall be perpetually of force, to come to the knowledge of all Men.

10. *Martian* being dead, when a Consultation was held about a new Emperor, *Aspar*, by some said to have compassed his end, endeavoured to prefer himself, but was rejected because an *Arian*. He then being *Magister Militum* improved his interest in behalf of *Leo* a Tribune, a Thracian by birth, of the City *Bisica*; or after his preference pretended to have done so. For *Leo* was elected by the universal consent of the Senate, and then crowned by *Anastolus* the Patriarch, being of the age of fifty three, or thereabout, as some pretend to gather from the twelfth Chapter of the second Book of *Eusebius*. After his promotion he managed his matters very circumspectly, and gained so great reputation, the Patrimony of a Prince, that neither *Africk*, *Asia*, nor *Perfia* dared to disturb him. And to keep *Europe* quiet, he thought it high time there should be some worthy person advanced to be Emperor in the *West*, and to this Dignity he resolved to promote *Majorianus*, a Man of great Virtue and Wisdom, whom having created on the last of February *Magister Militum*, he dispatched away speedily into Italy to take upon him the Empire, with his Letters Commendatory, and a Noble Train. *Majorianus* arrived in Italy above a Month after, and going to *Ravenna*, on the first day of April in a place called *Ad Columellas*, six Miles distant from the City, was by consent of Emperor and Senate advanced to the Dignity of *Augustus*. Removing back to the City, he set himself seriously to order the Affairs of the Empire, and for that purpose made choice of the ablest Ministers the time afforded. To *Ricimer* he committed the Conduct of the Army, with the usual Title of *Magister Militum*, for whom sudden and unexpected work was shortly after cut out. For *Genferich* could not yet be quiet in *Africk*, but rigged up a Fleet, and put to Sea with adventure to fall upon such Coasts as best convenience should call it. Upon *Campania* he fell, and wasted it at his pleasure. *Majorianus*, the better to march him upon both Elements, repaired the Imperial Navy, and got together as many Ships as he could, but as it were for another year. But to the Coasts he sent a strong Body of Men, who were placed in ambush so as they might best repulse the *Rovers*, and secure the Country People. The *Moors* landed, and leaving the *Vandals* on Board, set upon the Husbandmen at their Work, and when the *Romans* rising up fell on them, and easily put them to flight, and forced them to Mountains and other places of Refuge. The *Vandals* seeing this, were obliged in honour to relieve their Friends, and landing both Horse and Foot, engaged with the *Romans*; but they were so warmly received, that they thought it best to retreat, and get them to their Ships again. This Victory was the more seasonable and welcome, in that it was accompanied by another obtained by *Eurio* against the *Allemans*. He being created *Magister Militum* by *Majorianus*, fell upon them as they were waiting *Rhetia*, and forced them also into their own Quarters.

Leo chosen Emperor in the East.

Majorianus in the West.

His Letter to the Senate.

11. That which followed, or the CCCCLVIII Year of our Lord was signified by the joint Consulship of the two Emperors, *Leo* and *Majorianus*. On the first of January, or the Calends, *Majorianus* assumed the Title, and on the Ides, or the thirteenth, he directed an Oration, or a Letter, to the Senate from *Ravenna*, which is still extant among his other *Novels*, joynted to those of *Theodosius*, being placed the third in order, though it was the first in time. And the Title of it is, Concerning the manner or Rise of the Government of *Divus Majorianus*. Acknowledge, faith he, Conscript Fathers, me now made Emperor by the pleasure of your Election, and the Ordination of the most valiant Army. To the Ordination of all, may God be propitious, who increase the successes of our Reign, for your and the publick utility, for I came to the Government not by mine own will, but by the obsequiousness of publick Devotion; that I might not live to my self alone, or for refusal be judged ingrateful to the Common-wealth,

V v v v

for

A. D.

457.

Pascapla

A. D.

458.

Leo &amp; Majorianus

A. A. Conf.

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His Letter to  
the Senate.

for which I was born. On the *Calends* dedicated to *Janus* we erected the Fæces of our happily assumed Consulship, that the present year receiving the Growth of our new born Empire, may be also signalized by our Name. Favours now the Prince you your selves have made, and partake with us in managing publick Affairs, that the Empire which was given me by your endea- vours may be augmented through our common Conduct. Conclude you that Justice will flourish in our days, and Virtues may make a progress under the merit of Innocence. Let no Man stand in fear of Informers, whom, when private, we condemned, and now specially do oppose. Let none be apprehensive of Calumnies, but such as are of his own raising. Watchful and diligent in Military Matters will we be, together with our Parent and Patrian *Ricimer*. Under God we will preserve in safety the State of the *Roman* World, which by our common watchfulness we have freed both from a Common Enemy, and Domestic Mischief. I think you sufficiently know my Breeding, as in love to you, and formerly a companion in life and dangers, I easily promise my self you do; but I shall still endeavour in all publick matters, if God so please, by the authority of a Prince, and with the assistance of my Colleague, that of the choice you have made you shall have no cause to repent. We wish that in all happiness you may continue most flourishing for many years. Farewel, Conscript Fathers, of the most Sacred Order.

12. By this civil and obliging Letter he could not but please the Senate, but Words without Deeds will not long preserve Reputation. He employed therefore his *Qualor* in other matters for reformation of Grievances, and the ease of the People, sufficiently harraired in these troublesome times, wherein the Provinces were still afflicted either by Foreign Enemies, or Domestick: notwithstanding it pleased God to raise up Deliverers now and then. The Provinces were very empty, and the Cities exhausted by reason of Wars and other Disorders, and the poor Provincials discouraged enough other ways, were so troubled with *Compulsors* about the payment of Tributes, that many forsook their Dwellings, and betook themselves into solitary places. He considered, that to give redress to such inconveniences, it would be require to reinforce the custom of chusing the *Defensores plebis* throughout the Cities, that by them he might be acquainted with their Grievances, without putting poor people to the charge and pain of coming up to Court. For this purpose he published an Edict, bearing date on the eighth of *March*, and directed to all Governors of Provinces, requiring them to cause such *Defensores* to be chosen in all the Cities of their several Jurisdictions. He commands them, that to this end they summon the wonted Assemblies of the *Municipes, Honorati* and *Plebs*, or common sort, that in them may be fit Solicitors made of honest and deserving Men, without any seeking or canvassing for the Employment. One of the greatest Grievances mentioned in this Edict, as motives to the publishing of it, is the violence and injustice of the *Compulsors*; and the authority of the *Defensores* he thought might put some restraint upon them. But upon further consideration he resolved to take clear away their Employment. And for this end the very next day he directed another Constitution to *Palladius* the *Prætorius*, which contained a full and general Pardon and Remission of all Dues whatsoever that were behind, belonging either to the Receipt of him the said *Prætor*, or either of the Treasurers, from the beginning of the world to the beginning of this present eleventh Indiction. And because the *Possessors* were terrified and frightened out of their Goods by the insolence and power of *Compulsors*, he further ordain'd, that the Tributes, for the time to come, from the beginning of the twelfth Indiction, should not be gathered by any *Palatine*, or any Minister of armed power, as he words it, but by the Officers of Governours of Provinces themselves. In the last place, as he designs to give relief to the oppressed, so that the Revenue may not be impaired by the insolence and contumacy of such as are able to pay, or the Agents or Factors of great men, sheltering themselves under the greatness and protection of their Lords, he requires all such Agents and Factors, as also them belonging to his own *Domain*, to make their appearance before the Governors of Provinces when they go their Circuits. In case of failure, if they bring not in their dues within the year, they shall be imprisoned, and pay the double of what they were behind.

The *Senatus* of *Rome* excepted out of it.

13. The only persons excepted out of this Act of Grace and Pardon were the *Senatus* of *Rome*, and that for this reason, that nothing might be diminished of the plenty belonging to the venerable City. As he esteem'd her venerable, he

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## Sect. 7.

Old Works in  
Rome prohibited  
to be de-  
molished.

was put in mind this Summer of a matter, which, if suffered to proceed, would have much taken off from her Veneration. After such time as she had been waited by the *Goths*, it had become a custom to fetch Stones and other materials as were necessary for repairing of the publick Buildings from her ancient Works; and after the late Disaster which happened from the *Visandis* some private persons made bold to apply them to their own uses. Out of his Detestation of such practices, tending so much to the defacing of the Beauty of the Place, in an Edict inscribed to *Basilius* the *Prætorius*, dated also at *Ravenna* on the tenth of *July*, he for- bade that Temples or other Monuments which had been raised by the Ancients for publick use or pleasure, should be touched in such manner, inflicting upon any Judge that should give such order a Mult of fifty pounds of Gold; and Stripes, with the loss of Hands upon such *Apparitors* or *Numerarii* as should obey such Orders, and not withstand them by a seasonable suggestion. All such begged Materials he will have restored. And in case any old Monument be past repairing, and it be convenient to employ the Stones, Timber or the like, upon some other, Fabrick, this he will not have done till the matter be first signified to the Senate, and if the Senate approve of it, then communicated to himself. For further settlement of Civil Matters this Year, he published another Edict directed to *Basilius* the *Prætorius* concerning *Criminal*, and agnation or alienation of Lands, and diverse other Affairs. For calling back the *Criminal* to their Charges, he allows it, provided it be within thirty years. As for the *Collegiati*, he confirms what had been ordained concerning them in a Constitution contained in the Body of *Theodosius* his Code. This is the first Novel of *Majorianus*, as we have them joined to the said Code; but bears Date of the sixth of *November*.

14. *Majorianus* providing thus as well as he could for reformation of Civil Matters, thought he should not approve himself as a complete Prince and Governor, except he employed his Sword as well as his Pen. He thought it would make a great accession to his Glory, if he could but recover *Africa* out of the Hands of the *Vandals*, who as yet seem'd not well warm in their Seats. His desire this way so far transported him, that having put on Board of a good Fleet, as considerable an Army, that he might discover the state of that Country, and how the Inhabitants stood affected to the *Roman* Interest, he is said to have disguised himself, and pretending to be sent as Ambassador from the Emperor, in order to a peace, he went to *Genesrich*, was well received by him, and when he had had the satisfaction of seeing his Treasure and Magazine, he returned to his Army, and with it went and laid Siege to *Certhage*. He omitted nothing he thought would conduce to the taking of it, but fell sick during the Siege, which therefore proving ineffectual, and without success, he was glad to carry back his Army: notwithstanding all the fine words of *Sidonius Apollinaris*, at the conclusion of his Panegyrick, who omits him Victory from all Quarters of the World, particularly that the *Moor* might grow white or pale with fear, *Susa* might tremble, and the *Baſtrians* being first diamed, might attend his Judgment-Seat. However the Emperor succeeded, the Poet failed not of success. For he was honoured with two Crowns or Garlands, and with a Statue in the *Forum of Trajan*, as he himself witnesseth in an Epistle to *Firmianus*. Indeed he was a very good Poet considering the Age he lived in, and sought to imitate *Claudian*, but non passibus æquis. He married the Daughter of *Antus* the Emperor, and was of great Nobility himself, being a Gall of that part of the Country called now *Auvergne*, which the *Averni* of old inhabited, a most powerful Nation amongst the *Celte*, to the whole community of whom it was wont to give Kings, and with its Confederates, to send out against the *Romans* sometimes two hundred thousand, otherwhiles four hundred thousand Men. His Father had been *Prætorius* of *Gall*, as he could remember, though then a Youth.

15. In the last this Year we hear little of *Leo*, but what relates to Ecclesiastical Affairs; yet though he had no present use for his Soldiers, he thought fit they should be in readiness upon any Exigent. But he took notice how many of them, though they received publick pay, betook themselves to other Employments, which drew forth an Act of State, dated on the sixth of *July*, to *Apar*, the *Magister Militum*, wherein he declares, that Soldiers who are armed and maintained by the Commonwealth ought to be occupied only in things relating to the publick utility; neither travel in the tillage of Land, keeping of Cattel, or in Traffick, but labour in the Employments belonging to their Warfare. He charges him, that for the future he suffer no Soldier to be concerned in such matters, but be frequent at their Co- lours,

In command  
Soldiers to  
attend Mi-  
litary Affairs  
alone.A. D.  
458.Novi Majori-  
us, 6. Dec. 5. M.  
Jul.—Nisi-  
vagus videret  
vultus sui de  
Sæ. v. v. v. v.L. 9. p. 16.  
Vide Palladius  
non tantum  
in G. v. v. v. v.  
Gallie, 2. 105.L. 1. de Re Mil-  
it. Cod. Tit. 1.  
L. 12. tit. 36.

Se<sup>ct</sup>. 7. lours, by the daily exercise of their Arms to prepare themselves for War. If a-  
ny of the Military Judges should depute any of them to serve in publick Houses,  
or Lands contrary to this Imperial Order, or in other Services, as well fuch Of-  
fendor as he that receives the man shall for every Soldier forfeit a pound of Gold,  
and that presently to be levied." This Law bears date this Year, as we said, and  
the next that follows in order in the Code is much to the same purpose, though it  
hath no date of either day or year; but it is said to be of Leo's making, and di-  
rected to *Diofcorus*. It also prohibits Military Men to take upon them Civil  
Cares; or if they have so done, they shall be deprived of the Military  
Service, and all Privileges, and incur the Emperor's Displeasure.

16. But another thing happened this Year, which the Citizens of *Antioch* had  
sad cause to remember. *Eusebius* writes, that in the second Year of the Reign of  
Leo a great Earthquake fell out at that City. That before it began, some of the  
Inhabitants were seized with extraordinary madnes, such as seemed to exceed all  
Fury of wild Beasts, and to be the Prelude to that Calamity which followed on  
the fourth day of the Month *Gorpheus*, which the Romans called *September*, about  
the fourth hour of the Night, and the fifty sixth year of the life of Leo. It over-  
turned almost all the Buildings of the new City, which was well peopled, and none  
of it forsaken or empty, being curiously built by the Magnificence of Emperors,  
who strove to exceed each others in the adornment of it. The first and second Fa-  
bricks also in the Palace were cast down, the rest standing, together with a Bath,  
which having formerly been neglected, now when by the Earthquake the rest  
were choaked up, stood the Citizens in very good stead. The *Porticus* before the  
Palace were also overturned, the Palace called *Tetraphylon*, the Turrets of the  
Cirque near the Gates, together with certain *Porticus* which led from them, and  
some part of the Baths of *Trajan*, *Severus* and *Adrian*; some of the Neighbour-  
hood called *Ofstracins*, together with the *Porticus* and the *Nymphæum*; the particu-  
lars of which were related by one *John* a Rhetorician. This Writer farther deliv-  
ered, how the Emperor being troubled with a sense of the Calamity, forgave the  
City in Tribute to the value of a thousand Talents of Gold, as also to the Inhabit-  
ants their Tolls; and how also he took care of the rebuilding of the publick  
places. Thus much *Eusebius* probably tells us concerning the manner and time  
of the Earthquake, which he assigns to the second of the Reign, and the fifty sixth  
of this present Emperor. But whereas he placeth it in the five hundred and sixth  
after the name given to the City, and at three hundred and forty seventh after the  
Earthquake, which happened in the days of *Trajan*; let others consider of his  
Chronology.

17. We are more certain that now we arrive at the ordinary CCCCLIX  
Year of our Lord, and yet some have erred, as to the Consulship. For *Signius*  
makes *Ricimer* the *Patritius* to have been Consul alone; but the *Falsi* and other  
Bools have it *Ricimer* and *Patritius*. The mistake lay in taking *Patritius* for an  
addition of that Honour, and not for the proper name of a Man, and the Con-  
junction Copulative being wanting, such an error might easily be committed by one  
that did not consult several Copies. But that which puts us out of doubt, is the  
Date of a Law made this Year by Leo, concerning the InfINUATION or registering of  
Donations. It bears date on the third of March from *Constantinople*, *Patricius* and  
*Ricimer* being Consuls: it's directed to *Constantine* the *Præfect*, and imports that  
in *Constantinople* all ingrossed Donations of things whereofever they lie shall be re-  
gistered by the *Magister Censu*. In other Cities, whether the Governor of the  
Province be present or absent, whether the City have Magistrates or not, and  
there be only a *Defensor*; the *Donor* shall have free power to publish the Donati-  
ons of his Goods or Estates whereofever lying, either in the Court of the Govern-  
or of the Province, in the Office of the Magistrates, or of the *Defensor* of each  
City, as he himself shall please. As the Donation it self is founded upon the  
meer will of the Donor, so it is declared lawful for him to intimate his Donation  
where he shall please in the forenamed places: and such Donations so published  
and insinuated in divers Provinces and Cities shall be of firm and perpetual  
strength and value. "The latter part of this Constitution was afterward abrogated  
by *Anastasius*, who would have all Donations to be registered by the *Magistri*  
*Censu* only; for their more certainty.

18. The CCCCLX Year of our Lord succeeds, known by the Consulship of  
*Marinus* and *Apollonius*, and for very little else, except it be another Law made this  
Year by Leo, concerning the number and Sons of Advocates, what persons they  
should

A terrible  
Earthquake at  
Antioch.

It is published  
a Law for the  
registering of  
Donations.

A. D.  
458.

L. 16. c. 1. d. 1. 1. 1.

A. D.  
459.

Ricimer &  
Patritio Col.

L. 30. De Don-  
ationibus, Col.  
Falsis & 11.

14.

D. 2. d. 1. d. 1. 1.

A. D.  
460.

Major &  
Apollonio  
Col.

Se<sup>ct</sup>. 7. should be, and how created. It bears date on the Calends of February, and is  
directed to *Vinian* the *Præfectus Prætorio*, whose Court being furnished with one  
hundred and fifty Advocates, it prohibits him to add any more to them under pre-  
tence of taking in *Assessors*. And for the time to come, when there shall be occa-  
sion to make any new ones, it shall not be done except first in the examination  
of the Governour of the Province, it be recorded in what Province he was born,  
and that it appear that he is not obnoxious to the state and condition of a *Cohor-  
talis*. If the Governor of the Province be not to come at, it shall be done be-  
fore the *Defensor* of the Town. Besides the Professors of Law shall swear upon Re-  
cord, that these their Scholars, whom they would have preferred, are furnished with  
sufficient knowledge of the Law. The Sons of Advocates shall be preferred  
before other *Supernumeraries*. And in conclusion, such as shall be found to be a-  
bove the number of an hundred and fifty, in this Court may be allowed to plead  
before the *Præconsul*, the *Præfectus Augustalis*, the *Comes* of the *East*, the *Vi-  
cars*, or before the *Governors* of Provinces.

19. In the next, or the CCCCLXI of our Saviour, *Severinus* and *Daga-  
laiphus* were Consuls. It's too memorable in this one thing, that *Majorianus* the  
Emperor was now murdered at *Dertona*. He had the Year before thoughts of re-  
newing the War against the *Vandals*: which, that he might do with more success,  
he procured the *Goths* to join with him by virtue of the League contracted with  
them, which struck *Genseric* with such apprehension, that he desired peace.  
*Majorianus* having no work now in the South, turned himself Northward, and  
went into *Gall* to settle matters in that Province. Here from *Sidonius Apollinaris*  
we learn that he celebrated the *Circenian* Games at *Arles*, and made a magnificent  
Entertainment to his great Officers, at which, the Relator himself was one of the  
Guests. On the left Side, or Horn, as he calls it, lay *Severinus* the Ordinary Con-  
sul, a Man, he saith, amongst the great Stirs and Commotions of Princes, and in  
the unequal state of the Common-wealth, ever of equal Grace and Favour. Next  
to him *Magnus*, formerly *Expressed*, now *Exconsul*, a person equalling his  
doubled Honors. *Camillus*, his Brother's Son, lay behind him, who by passing  
thorow two Dignities himself, had added lustre to the Preconsulship of his Father,  
and the Consulship of his Uncle. *Paonius* was placed next to him, and after him  
*Athenius*, a Man of Law, exercised in the variety of times: *Gratianensis* was  
the next, who, though in Dignity he came below *Severinus*, yet preceded him  
in Favour. And below all lay *Sidonius*, then *Comes*, the Title the Emperor gave him  
in their merry Discourse, which, though he relates, it is not pertinent for us there-  
in to follow him, though thus much, to take notice of the persons in favour at this  
time, and their manner of eating, still the same with the ancient Roman, of lying  
upon Beds. But there wanted other persons, which, had they been at this Enter-  
tainment, *Majorianus* might have had cause to be more merry. For while he  
was absent, composing the Affairs of *Gall*, a Conspiracy was hatched against him  
by *Ricimer* and *Severus*, both *Patritius*, who agreed, that *Ricimer* should de-  
prive him of his life, and *Severus* take upon his Empire; for the *Barbarians*, as  
some believe, had not the confidence to assume the Purple himself. In the mean  
time *Majorianus*, that he might not be idle, endeavourd to drive the *Auns* out of  
*Gall*, being nothing so strong either as the *Franks* or *Burgundians*, but they to di-  
vert him, invaded *Italy*, which he was then obliged to relieve. This gave advantage  
to the Conspirators; for when the Emperor was come to *Dertona*, *Ricimer* either  
sent for, or without orders, there met him with the Forces under his command,  
and compelling him first to put off the Purple, in conclusion murdered him at the  
River *Hyra*, to the utter Ruine of the Western Empire. The Empire indeed had  
long been in a dying condition; but so great were the Abilities and Industry of  
*Majorianus*, that this gave hope of Recovery under his Hand, though he being  
removed, it proved but a lightomeness before her death. The Feast being done,  
*Ricimer* returned to *Ravenna*, and there the Soldiers, being prepared before hand,  
created *Severus* Emperor, without any Orders received from *Constantinople*.

Murdered by  
Ricimer.

Severus Empe-  
ror.

20. The Year following, *Severus* invaded the Consulship, as he had done the  
Empire, and bore the Title, together with Leo, who now took it the second time,  
in the CCCCLXII Year of our Lord. And little else beside their Consulship  
this Year is notable; or if any thing of great moment happened, it is buried in  
oblivion for want of some faithful Historian to transcribe the Records. Yet we  
are told, that now *Genseric* renewed his Hostility against the Islands of the Em-  
pire, and tagged according to his wonted Lust and Pleasure; and that *Ricimer* opo-  
posed

A. D.  
460.

L. 1. Di. Advoca-  
torum Judicio-  
rum, Cod. Falsi:  
11. d. 1. 1. 1.

A. D.  
461.

Severino &  
Dagalaipho  
Col.

L. 1. d. 1. 1. 1. 1.  
d. 1. 1. 1. 1.

A. D.  
462.

Leone A. 2.  
& Severo  
Col.



**Sect. 7.** posed him as he found, or thought convenient. *Theodorich*, King of the *Goths*, on the other side was impatient of the Repose he had lately enjoyed from War, and to work he went with *Reccomius*, a great Officer of *Severus* in those parts, whom he lo wrought upon, that he betrayed into his hands the noble and wealthy City of *Narbonne*. And about this matter a great War is reported to have followed in *Gall*, and a meer inarticulate Report there is of it, nothing certain as to particular Councils or Accidents, being known. A suitable Story we have of the Country Men of *Theodorich*, being *Goths* of the East, or *Ostrogoths*, who had their Seat at present in *Pannonia*. Their Kings had covenanted with *Martin* the late Emperor for a certain sum of Money to content themselves, and sit down without any farther Attempts, for mending their fortunes; but this Money, *Leo*, who now reigned at *Constantinople*, forgot, or to be sure omitted to pay them. Yet were they lo good natured, and lo obedient to the Law of Nations, though still accounted *Barbarians*, that they would not make War before they had denounced it, nor denounce it till they had first complained, and demanded just satisfaction. They sent their Ambassadors to *Leo*, who coming to Court, found not that Reception they expected; but on the contrary they found one of their Nation of the *Goths*, *Theodorich*, the Son of *Triarius*, flourishing there in great favour and Splendor, with a noble Train, and suitable allowance. They returned with indignation, and communicated it with the report of their Embassy to these that sent them, who took it in disdain, that they should be thought inferior to him as to Dignity. Acted by the heat of this passion, they invaded *Illyricum*, and pur those Territories of the Eastern Empire into such Distress, that *Leo*, fearful whether their animosity might proceed, made them amends, and quieted their minds by Ambassadors of his own, by paying the Arrears of their Pension, and ingaging for the future to do it; by which course the peace was renewed, and for an Hostage thereof he received from them another *Theodorich*, the Son of *Theodomer*; who lo improved his time in the knowledge both of Peace and War, that hereafter we shall hear abundantly of this Improvement.

The *Ostrogoth*  
tumultuous.

*Basilus* now  
Consul.

His *Excellency*.

21. The Year CCCCLXIII is somewhat enobled by the Consulship of *Flavian* and *Basilus*. For this is that *Cecina Basilus* to whom *Sidonius Apollinaris* gives lo large an *Encomium* in one of his Epistles written to his *Herennius*. He compares him with one *Avienus*, who also bore this Dignity, and both of them flourished in great favour at Court, when he was employed thither upon publick business by his Country-men the *Arverni*. He shews how his first application was to *Paulus* a *Præfectorian* (or one who had been *Præfect*) by whole direction he was to make choice of some more powerful Minister to manage his Affairs. The deliberation was to be short, there being but few out of whom he could make it. Indeed of the Senate at that time most of the Members were considerable for wealth, high in Birth, grave for Age, in their Consultations useful, and men of greatest preferences; but these two *Consulares* were most eminent *viz.* *Gennadius Avienus* and *Cecina Basilus*, who of all Gowned Men were of greatest authority, next to the Prince. These were men of extraordinary parts, yet various in their humors, and like to each other rather in their Genius, than their Ingenuity. *Avienus* arrived at the Consulship by his Felicity, and *Basilus* by his Virtue, inasmuch that the haste made to Honors by the former was merrily talked of; and they discoursed of the number of Employments passed throw, and the many years passed over by the later. Both of them when they went abroad were attended by numerous Clients, but of such Attendants the hopes and spirit was much different. *Avienus* employed his whole interest in promoting his Sons, Sons in Law, and his Brethren, and being always accompanied with Domestic Candidates, was not able to gratify Strangers; but what *Avienus* did for his own Relations, that *Basilus* did for those to whom he had no Relation. The mind of *Avienus* was open to all, and that at the first sight, but to little or no purpose: the heart of *Basilus* to few, and long it was before, but with more advantage. Neither of them was difficult of access, or used state; but if you were to make use of them you should find more easie familiarity in *Avienus*, and more ready assistance in *Basilus*. Thus much, and more, about his own Business, *Sidonius* wrote sometime after, concerning our Consul, then a *Consularis*, in whom being Superior, in those good qualities, to *Avienus*, the Family of the *Corvini*, he saith, was preferred before that of the *Deii*.

22. But as *Basilus* bore the Office of Consul this Year, so that he executed that of *Præfect*, as he had done formerly, and to it had joyned the Honour of *Patrius* appears

A. D.  
462.

His sister has  
quæque  
quam supradictam  
tamen variis  
modis et genis  
potius quam  
ingenio  
suavitudo.

## Sect. 7.

He was also  
Præfect this  
Year.

*Leo* makes *Zeno*  
his Vicegerent.

*Ricimer* despoils  
*Severus*.

A dreadful  
Fire at *Constantinople*.

appears from a Law of *Severus* directed to him on the tenth before the Calends of *March* with these Titles. This was for repealing some thing ordained four years before by *Majorianus* concerning Widdows, and leaving them to the direction of former Laws, so as after the Death of their Husbands they should only have the *Usufructus* of what was settled upon them, and of that dispose as they pleased, but not of the main stock, nor to this or that Child, as they thought fit: yet should they not be bound to give security to their Children, this seeming grievous and unreasonable; for it sufficed, that if they married again, their Husbands Estates became engaged, if not what they possessed otherwise was obnoxious in case of imbezement, as by this and former Ordinances was provided. In the East, *Leo*, it's said, made *Zeno*, his Son-in-law, his Deputy, as it were, or Vicegerent. And little else of Civil Concernment we find transacted at *Constantinople*, except it be an Edict directed to *Eufebius*, the *Præfectus Prætorio* of *Illyricum*, dated on the same day as the other of *Severus*. This gives him the choice of the Fiscal Advocate, who now should continue for two years, and not be annual as lately had been practised: and it confirms to the Body of Advocates all privileges granted to them by former Princes.

23. The following Year is characterized by the Consulship of *Rufinus* and *Olybrius*, being the CCCCLXIV of the Ordinary *Æra* of our Saviour. Italy had been the former Year in repose; but in *Gall* the Barbarous Nations made great disturbance. For *Theodorich*, King of the *Goths* managed his matters with such industry, that it provoked *Beorgor*, King of the *Alans*, who then inhabited also part of that Country to such emulation, or fear, that gathering considerable Forces together, he passed over the *Alpes* this Winter, and invading *Liguria*, left nothing untouched, which the power of his Arms could reach. This gave such Allarm to the Southern parts, that *Ricimer* was ordered with what Force he could make, to oppose the Growth of this Calamity. And he did it to such purpose, that we are told, that no Expedition had better succeeded to the Roman Interest a long time before. For attacking the *Barbarians* at *Bergomum*, on the sixth of February, he not only defeated their Army, but killed their King in Battle. But whether this happened well or ill for the Empire cannot well be said; for the Emperor it did not. For, the General having formerly taken audaciously upon him to unmake and make Princes at his pleasure, now more puffed up with pride upon his success, began to despise *Severus*, as one of his own setting up.

24. The next following, or the CCCCLXV is more, or rather too much considerable both for the effect of the pride of *Ricimer*, and another very sad calamity which now happened. For this Year in the Consulship of *Basiliscus* and *Hermimerich* so great a Fire there was at *Constantinople*, as never was exceeded except by that which happened here lately at *London*. This Calamity, if *Eugarius* be judge, was far more grievous than the former Earthquake. It began in that part of the City lying near the Sea, and called the *Ox-freet*. He tells us of a report, how a wicked and malicious Devil in the form of a Woman, or a certain poor Woman at the instigation of the Devil, in the Twilight, going to the Market with a Candle in her Hand to buy Fish, left it on the Stall, and went her way. That the flame of the Candle taking hold on Flax, kindled lo exceeding great a Fire, that in a moment it consumed the Buildings in the Market Place, and caught hold of the Houses adjoining, not only such as might easily be set on fire, but the Structures also raised of Stone, and consumed them to Ashes. The Conflagration by some is reported to have lasted four days, by others fix, and none being able to put a stop to it, it brake through the middle of the City, consumed from the Northern to the Southern Quarter all Buildings, for five Furlongs in length, and fourteen in breadth, left no Houses, either publick or private, Pillars, Arches of Stone, or Vaults unburnt to the very Foundations, piercing Flint and the hardest Metals as easily, as if they had been Stubble or Straw. On the North Side towards the Haven, a lamentable Desolation was to be seen from the *Ox-freet* to the Temple of *Concordia*, in the middle of the City from the Forum of *Constantine* to that of *Taurus*: a most dreadful sight. The goodly Edifices that had stood stately to behold, the costly carved Timber heretofore very Majestical to the eye, were now, if any thing remained, become like craggy Hills and Rocks; so that no passage could be found for heaps of deformed Rubbish, neither could the owners themselves discern the Bounds of their Possessions; nor say, that this is that which stood thus or thus before the Fire caused this dismal alteration.

X x x x

as. About

A. D.  
463.

*Nesl. Severi*

A. D.  
464.

*Rufinus* &  
*Olybrius* Cons.

Lib. 2. c. 13.

Sect. 7.

Other prodigious Calamities.

Zeno published a Constitution for rebuilding of Constantinople.

Interpreted afterward by Zeno.

25. About the same time (this Writer continuing the series of Calamities adds) when that *Syrian* War raged, which was moved against such *Romans* as inhabited the Eastern Parts of the Empire, *Thrace*, the *Helleſpont*, and *Ionia* were wonderfully shaken with Earthquakes. And no less distressed were the *Cyclades*, as also the Islands *Cnidus* and *Cos*, wherein many Buildings were overturned. Moreover, *Prifcus* wrote, that at *Constantinople*, and in *Bithynia* there fell such Storms of Rain, that for the space of three or four days it poured down like whole Streams or Floods, the violence whereof beat down and levelled Mountains, the Villages were reduced near to ruins, and in the Lake *Boæne*, not far from *Nicomedia*, by reason of the Dirt and Filth thither by the Waters conveyed, there appeared Islands. But these things came to pass afterward. Yet as ill accidents either in morality or otherwise, ordinarily give occasion to wholesome Laws, *Leo* was so concerned at this dreadful Fire, as he published a Constitution concerning Buildings at *Constantinople*, to prevent the like. This Constitution is not now extant, neither could we have certainly known what it was, but that *Zeno* his Successor some years after, finding the Building of the City to go slowly on, by reason of controversies arising about the interpretation of some part of it, was forced to publish a new Edict, directed to *Alamanius* the then *Præfect*, which being penned in *Greek*, instead of interpretation, received rather obscurity from several who attempted the publication in several Editions of the Code, till it was undertaken by the Learned *Contins*.

26. *Alamanius* having made report of the Inconveniences arising from the ambiguity of that aforesaid Constitution, received answer, that since such time as the Emperor had enjoyed peace, being desirous every way to secure his Subjects, as *scilicet* private, as well from internal as external Quarrels, he had applied his mind to the making of various Laws, amongst which he would also have this received, which should clearly and plainly demonstrate, both what his *Magnificence* had suggested, and define most cautiously all ambiguities. That he had not much receded from words of civil signification, but used the more known amongst the vulgar, so that whoever should light upon it needed not the help of an Interpreter. That from the Relation of his *Greatness*, he had understood how the Divine Law of his Father *Leo* of immortal memory, which he had made in relation to those that would build in that glorious City, was ambiguous in some of its parts by reason of the naughty opinions of Interpreters. With this Preface he introduceth the Law in self which declares.

27. In the first place that such as would rebuild their Houses shall not exceed the ancient form (neither any shall build upon new Foundations) neither take away light or prospect from their Neighbours contrary to what of late had been ordained. But in case of any stipulation or agreement whereby leave is obtained to do either, or both, it shall be lawful to such persons to make use freely of such Agreement. But whereas the former Constitution, where it required that the distance of twelve Feet should be observed by Builders betwixt one House and another, adding these words *More or Less*, and by a doubt seemed to take away an Ambiguity; to remove all such doubt and ambiguity both, he expressly requires, that twelve Feet be left, to be measured from the Foundations, and the same distance to be observed, as to the rest of the Building to the very top. Any one observing this Rule, may build as high as he pleaseth, and make what Windows he thinks fit, either for light or prospect. Provided, that no man shall have liberty to intercept the direct prospect of his Neighbour to the Sea, which his House formerly afforded him, fitting or standing. And as for Gardens and Trees, he resolves to add nothing to what formerly had been Law. If so be, that the Ground was such, that the Houses could not be built at twelve Feet distance, then should not the Buildings be at all raised higher than formerly, except at least a distance of ten Feet were left; neither should any prospective Windows be made, except they had been formerly in use. But Windows for light might be made at six foot distance, without any false pavement, or flight used for enlarging them more than they ought to be.

28. As in the former Constitution was enacted, he gives leave for Houses that were to be rebuilt, to be raised an hundred foot high, though they do intercept the prospect of the Neighbours into the Sea. And farther declares, that if a space of an hundred Feet be left between, it shall be lawful to build either upon old, or new Foundations to an height that may take away such prospect. And from Kitchens and other places of conveniency and passages it may be free to take

away

A. D.

465.

1141.

Sect. 7.

away such prospect, though the Buildings be raised within an hundred Feet, so as the space of twelve be preserved, and within the space of twelve too, if it be done by agreement of the Parties. For Bow Windows or Lattices made to receive Light, called *Solaria*, and *Balconies*, called *Maniana*; he forbids the former to be built of Wood and Boards alone, but after the manner of those called *Romanensis*. Commands that ten Feet be left betwixt those that stand one against another, or opposite; and if this cannot be by reason of the straitness of places, that then they be not built opposite, but transverse one to another: or if the passage it be self betwixt exceed not ten Feet, then shall no *Solaria*, or *Maniana* at all be raised. Moreover such as shall be built according to due form shall be fifteen foot raised from the Ground, and their Pillars, whether of Wood or Stone shall not rise perpendicular, neither their Walls, left the Air or High Ways be stopped. For prevention of Fire he prohibits Stairs to be raised from the ground of narrow places to mount up to them. If such forbidden Works be done, they shall not only be demolished; but the owners of them shall incur a Fine of ten pounds of Gold, and the Architect or Undertaker ten, and if poor, shall be banished the City.

29. In the next place he prohibits, that the places betwixt the Pillars in the standing Rows in the *Porticus* and *Stations*, betwixt the *Milium* and *Capitol*, be choaked up with Buildings, solid Boards, or other things. That the Edifices permitted to be there, in breadth exceed six Feet, the Wall toward the Street being therein comprised, and in height seven. To be sure, he will have free passage lie through the four Ranks of Pillars from the *Porticus* to the Streets, and the Shops there built to be adorned at least on the outside with Marble, so as may conduce to the Beauty of the City, and delight of Passengers. In other Regions he leaves it free for Shops to be raised betwixt the Pillars, as shall seem profitable to the City, and convenient to the *Præfect*, all equality being observed, so as what is permitted to one be not prohibited to another. This he would have practised to prevent Machinations and Designs of Calumniators against honest and well-meaning men. For he cannot but take notice how many are lured out of envy and contention, rather than for any real injury done, and forced to leave off their Building, and spend their Money at Law which had been laid aside for that purpose, and though they had obtained a sentence, yet still to be hindered from proceeding, by force of an Appeal, and expectation of the fatal Days, to no other purpose than that their Adversaries may take pleasure in their Disappointments.

30. To prevent such mischief, he declares, that in such cases where Appeals lies, as soon as the cause is transmitted in Writing to the Judge, it shall be lawful for either party, without observing the ordinary time of introducing Appeals, either with his Adversary, or alone, to repair to the Court of him the *Præfect*, and the Adversary being called, if absent, to put an end to the controversy without delay, lest Winter coming, by expectation of an end to be put to long continued Appeals, intolerable Damages be sustained. But in case any will appeal from sentence of the *Præfect*, a Consultation, as they call it, shall instantly be made, (viz. a sort of Appeal) for a more accurate consideration of the sentence; and that with speed in the Emperor's Palace. And he will have all such as give any hindrance to Builders to know, that if they fail in their cause, they shall both make other just reparation for the loss, and pay the value of such materials as have been spoiled by delay of the suit. In like manner, such as have presumed unjustly to build, if they be caught, shall make reparation to those that prohibited their Attempt.

31. All Controversies hence arising he will have determined before the *Præfect* alone (in ordinary course) neither shall any of the Illustrious Magistrates hear any of these Causes, nor any person concerned be permitted by prescription of *Militia* or *Forum*, to evade the Judgment given, or to escape the Condemnation, as to Costs and Damages, made by a ward of the most glorious *Præfect* of the City, or a Cognitor deputed by him. He gives it in charge to his *Magnificence*, that no Undertaker, Carpenter, or other Artificer leave any work imperfect, that he hath once begun, but that, receiving his just pay, he be constrained to bring it to perfection; or else make full satisfaction for all Damages to the party concerned in the Building. And if he be so poor as not to be able to go through with it, he shall be beaten with Rods, and banished the City.

32. But if any person will perfect what hath been begun by another, he shall

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Sect. 7.

The Law de-  
clared un-  
der Jul-  
ian.Sicut a poison-  
ed by Ricimer.A Law of Leo  
for encourage-  
ment of volun-  
tary Corvates.An incorpo-  
ration in the  
West.The Affairs  
of Genrich at  
about this time.

in no wife be hindered from so doing, as hath been practised heretofore by certain Artificers and Undertakers, who would neither make an end of what they had begun themselves, nor suffer others to do it, to the intolerable loss of those who were concerned to have their Houses built. In the last place, if any refuse to perfect a Work merely upon this Account, because another had begun it, he shall incur the same penalty as he that quitted it imperfect. This is the Constitution of *Zeno* made to explain that of *Leo*, and remove those Rubs that lay in the way, and hindered the Rebuilding of *Constantinople*, the prudence and seasonableness whereof were better to be discerned at that time when the motives were better known and discerned. But it was thought so proper and fit afterwards by *Justinian*, that when objection was made, that it was local and appropriate to the City of *Constantinople*, by a Rescript directed to *John the Prefect*, he declared it to be of force also in the Provinces, and that it should be observed for Law by the respective Governors. And after his time, as by the *Basilica* appears, it continued to be of the same force, what concerns the prospect to the Sea excepted, which only held at *Constantinople*, and the places adjoining. This is chiefly to be observed, that according to this manner of Building, for prevention of Fires the Houses were Infular, as it was termed, and if possible, distant twelve Feet one from another.

33. This Conflagration at *Constantinople* was very great and terrible, but a mischief greater than it ragged in the *West*, which brought ruine and desolation both to many Countries and Cities. This was that impudent and fawcy boldness of the great Officers, particularly now of *Ricimer*, who took upon him to make and unmake Emperors at his pleasure, which being frequently done, the Enemies of the Empire took heart and occasion to exercise their Hostilities, for if a Man of Courage and Resolution arrived at the supreme power they concluded his Reign would be but short, and the obstacle ere long removed. *Ricimer*, as we said, had begun to despise *Severus*, as one of his own setting up, and now resolved to remove him; yet something there was, either a sense of his crime, or some other thing, which hindered him from doing it in a publick manner. For, it's said, the Fear was done by poison, though by the contrivance and deceit of *Ricimer*; and toward the latter end of the year it was, though we know not the certain time; for that he was alive on the twenty fourth of *September* we are well enough perswaded from the Date of an Edict he gave out to *Basilus*, on that day, with the Titles of *Prefect* and *Patritian*. The subject of it is of smaller importance than the Date, as to our knowledge; though then of such consequence as to be published by reason of a publick complaint made by the Mouth of *Anonius*, a person of illustrious condition. Of more publick concernment seems another published by *Leo* on the ninth of *November* following, for encouragement of such as would generously and of their own accord take upon them Offices and Employments in the places where they lived, without any obligation, by reason of their Birth and Condition so to do. It, in justice, declares them and their Children free from the *Nexus*, or sort of Bondage to which others were obnoxious, being only answerable for such profits of the Corporations as they receive, and further, as encouragement, that if they discharge all the Functions of the *Curiales*, they shall, if they think fit, for their kindness and liberality have the Sile and Title of *Fathers* of these Cities or Places wherein they became voluntary *Municipes*.

34. The Year following is as it were maimed and imperfect in its Characters, having but one Emperor and one Consul. *Leo* in the East bore the Title of both jointly, taking upon him the Consulship now the third time, without any Colleague, the *Inter-regnum* continuing in the West all this Year, which was the CCCCXLVI of the ordinary *Æra* of our Saviour. And it procured very heavy hearts to the poor *Italians*, to whom it was something uncouth to have no Prince in that Country which had given original to the Empire, and besides that, they were notwithstanding the resistance made by *Ricimer* (who took all upon him) continually in Allarms, by reason of the restless spirit of *Genferich*, concerning whom that we should make some particular Inquiry what he did since we had so much occasion to speak of him, the History of this time is not in any thing more concerned. And here *Procopius* helps us otherwise at a dead lift. He informs us, that after his sacking of *Rome*, and carrying away the Emperess with her Daughters, he ceased not to attempt many other things. For besides *Carthage*, he made naked all the other Cities of *Africa*, by depriving them of their Walls, that if the Natives should side with the *Romans*, they might have no encouragement from

A. D.  
465.L. 13. tit. 1.  
De Cal. Synt.  
P. 1. C. 1.  
Lampadii de  
Orif. A. D.  
511.Nov. 2. Sicut  
de corporat.  
Dat. 7. Cal.  
Octob.L. 9. de his qui  
sunt Curiales.  
Cod. Tit. 1. 10. tit. 1.L. 1. de his qui  
sunt Curiales.  
Cod. Tit. 1. 10. tit. 1.A. D.  
466.  
L. 1. de his qui  
sunt Curiales.  
Cod. Tit. 1. 10. tit. 1.Sicut P. 1. C. 1.  
Lampadii de  
Orif. A. D.  
511.

Sect. 7.

Leo picheth  
upon Anthemius.

fenced places to make disturbance; neither if the Emperor should send over an Army, his Soldiers should find harbour to manage thence a War against the *Vandals*. And this at present he was thought to do with great prudence and foresight; but in the following Age when these naked Cities were without any trouble or experience taken by *Belisarius*, then he was laugh'd at for his policy, and his wisdom accounted folly: so various are the opinions of Men, and regulated by event, concerning the designs of other persons.

35. But this being done to the Cities and fortified places, all men that were considerable for Reputation or Wealth, *Genferich* delivered into the hands of his Sons *Honorich* and *Gonzo* to be treated no better than Slaves; for *Theodorus* his youngest was already dead without issue left of either Sex. From others of the *Africans* he took the most and richest Grounds, which became afterwards known by the name of the *Portion of the Vandals*, the true and ancient owners being permitted to go whither they would in a free, indeed, but beggarly condition. But what Grounds he bestowed either on his Sons, or other *Vandals*, he made free from Burthens, which he laid so heavy upon the more barren, which were left to their former Lords, that nothing did they gain from their former possessions. Hence came it to pass, that many fled their Country, and as many were put to death under pretence of various crimes, whereof the principal was, that they were laid to hide their Money. But so lay *Afric* groaning under most heavy Calamities. For he not only placed his *Vandals*, but *Alans* also in Garrison, in convenient places under no fewer than eighty Officers, who bore the name of *Chiliarchs*, or Commanders of a thousand Men; for though his Army of both Nations consisted really of no more than fifty, yet he would have it bear the reputation of eighty thousand. But the number of his Soldiers increased with time, as the *Vandals* increased in their progeny, and other Nations were taken in, all which (the *Alans* as well as others) the *Moors* excepted, united, and grew into the common name of *Vandals*. And by the assistance of the *Moors* having increased his strength, after the death of *Vicinianus*, every Spring he infested *Sicily* or *Italy* in self, some Towns subjecting to Slavery, demolishing others, and exhausting all by his Rapines, so long, till being driven thence by that desolation and want which he himself had brought along with him, he turned his Face toward the Quarters subject to the Emperor of the *East*, waiving all *Mycium*, *Poloponnesus*, the adjacent Islands and other parts of *Greece*, or which bore the name thereof. Thence he returned back to *Italy* and *Sicily*, and took away what he found, if anything he had left. It was reported, that being put to Sea out of the Haven of *Carthage*, when he was asked by his Pilot where he intended to make War, he answered, against those with whom God was angry. So did he run upon all in an hostile manner, without any cause or provocation. And so much *Procopius* concerning his Depredations, who adds, that the Emperor of *Constantinople*, out of indignation, rigged a great Fleet against him. But this was afterward.

36. However, we may easily believe them that write his Depredations to have continued, and possibly with greater rigour, during this *Inter-regnum* in the *West*, which not only might embolden the Enemies of the Empire to infest *Italy*, and the Islands, but also other Provinces which still continued to be languishing Members of it. The Senate now every day at *Rome* bore more heavily their Condition, and the death of *Severus*, who had given them good hopes of making head against, and giving a check to the infolence of the *Pyrate*. They did as soon as convenience would permit, give notice of it to *Leo*, in whom alone at present the Majesty of the *Roman* Name resided, praying him, that in these times of so great hazard he would procure them a Prince like to *Majorianus*, or else in a short space the Empire of the *West* would be quite extinguished. The case seemed difficult, and it's said, that *Leo* spent all this Year in deliberation. There was then with him at *Constantinople*, *Anthemius*, the Son of *Procopius*, and Nephew of that *Anthemius* who had born the Office of Consul, together with *Silichus*, and was the Son-in-law of the late Emperor *Martian*. This *Anthemius* bearing the Dignity of *Magister utriusque Militie* and *Patritian*, had waged War with good advantage against the *Alans*, and for his Wealth was otherwise very considerable. To these Qualifications the favour which *Leo* bore him, added so much weight, that in consideration of his Nobility, and other Deserts, he thought him the fittest person he could chuse, and resolved to make him his Colleague in the Western Empire.

37. The Year being over which had neither Consul nor Emperor in the West, the CCCCXLVII of our Lord succeeds, which according to the custom was opened

A. D.  
466.

Sicut.

A. D.  
467.P. 1. C. 1.  
Lampadii de  
Orif. A. D.  
511.

Sec't. 7. opened by the Consulship of two *Flavii, Pulscus* and *Fohn*, and was further signalized by the Legitimate Creation of a new Roman Emperor. That this was *Anthemius*, we may easily guess from what we have already said concerning the purpose of *Leo*, who was solicited, as *Evagrius* writes, by an Embassy sent from the *Romans*. And not only *Evagrius*, but *Sidonius Apollinaris*, though in a Panegyric to this *Anthemius*, writes of his being sought for, and desired by the Senate; for the Members of it we suppose him to call by the name of *Proceres*, to whom in it he directs his speech. And from him it also appears, that there was some private agreement betwixt *Ricimer* and *Anthemius*, if not the Emperor himself; that *Ricimer* should marry *Anthemius* his Daughter; for after the Poetical way of *Claudian*, whom he imitates, he makes *Rome* at the desire of *Italy* to take a Journey into the East, and to desire of *Constantinople*, that in recompence for all the losses he had sustained by her, she would grant her *Anthemius*, who by his Daughter should make himself happy in having *Ricimer* for his Son-in-law, and hereby a private alliance be added to the publick. *Anthemius* was not slack to take the opportunity, but came to *Rome* on the twelfth of *April*, where he was received with universal applause, and owned for *Augustus*. And according to agreement he delayed not for his own security, as well as truth, to give his Daughter in Marriage to *Ricimer*. And the Nuptials were celebrated with all solemnity possible, and with excess of Jollity, as *Sidonius Apollinaris* lets it out, who terms it *Occupatissima Vacatio*, or a most buxie idle time wherein all serious matters were silent, except the Wedding it self, which must needs be such, seeing, as he saith, *Perennis*, the Daughter of the Emperor, was coupled with *Ricimer* the *Patritian* in, or for hope, of the publick security. This *Sidonius* was present at himself, coming then to *Rome* on his Message from his *Arvernus*, being kindly entertained, as he writes to his *Horonius*, in a second Letter, in the House of *Paul*, a person of *Prefectorian* Rank, venerable, he saith, for Learning and Sanctity. No man, he adds, was more excellent than he in all kinds of Arts. He falls into a rapture in consideration of his Abilities, and concludes his short Character with this full expression, that he had this excellence above all his Studies, that *He had a Conscience superior to that Eminent Knowledge*. To strengthen the Empire fully, if possible, by alliances, *Leo* the Emperor is reported also to have given *Leontia*, his Daughter, in Marriage to *Martian*, the Son of *Anthemius*.

Consul, the second time alone.

Arrianus Prefect of Gall.

37. For the Year CCCCLXVIII, *Anthemius* the Emperor was Consul alone the second time, thirteen Years having now intervened since, with *Valentinian*, he was first graced with this Dignity. *Sidonius Apollinaris* being still in Town, *Basilus*, his great Friend he so much admires, persuaded him to stir up his Muse, recollect his Fancy, and write a Panegyric in honour of the new Emperor and Consul, which he did with commendation enough, though it breaks off something abruptly; and for a reward, at the instance of *Basilus* he was honoured with the Prefectship, though whether it was a real and *Active* one, or *Titular*, and by way of Codicils, we may at least question. Were it *Active*, it must be of *Gall*, his Country; but there *Arvandus* now executed that Office, though not long he continued in it. For while *Sidonius* still resided at *Rome*, he was so vehemently accused of high misdemeanours by several illustrious persons, that he was called up to answer his heavy charge of Treason they laid against him. Hereof, and of his Trial *Sidonius* hath left us a pithy Description in an Epistle written to his Friend *Vincencius*, which containing a form of the ancient Judicature, it is very proper here to be inserted, and it shews the Generosity of the Defcriber. For, he begins with a Declaration, That he was really vexed at what had befallen him, and troubled at his Condition; this being over and above the heaps of Praise, due to the present Emperor, that it was free for one, openly to make profession or demonstration of Love, even to such as were condemned to capital punishment. For he was the Friend of *Arvandus*, even more than the feckleness and variety of his humour would bear; which was sufficiently attested by the ill will he had contracted in his behalf, whereof the flame had singed him, being a little unwary. But that he continued in his friendship he saith he ought to himself. As for *Arvandus*, he would complain freely, but not insultingly, that he used no diligence to persevere, because despising the advice of his faithful Friends in all things he became the flouting stock of fortune. But in conclusion, as to this point, he admires not so much that he fell, as that he stood so long. O how often, saith he, did he complain of adverse Fortune, when we lamented that one time or other his tempery would give him some heavy cause so to do, concluding not himself

A. D.

467.

Lib. i. c. 6.

He off a proceres  
quis quibus  
Romula virgine  
et quoniam  
amor, &c.

Altit pater  
privatum ad  
publica sedes  
sit facti  
dignitas  
nobilitas  
in mense  
vnde regis  
60, &c.

Lib. i.  
Ep. 1.

Lib. i. p. 91

A. D.

468.

Anthemio A.  
2. C.

Lib. i. p. 71

Sec't. 7. to be happy, who was judged to be so rather frequently than always. Then he declares the manner of his Government, which he doth with a Salvo to the Reverence due to Faithfulness and Sincerity, which is ever owing to a Friend in Affliction.

How ill he  
managed his  
Office.

39. His first Prefectship he managed with great Popularity, and the second (to express his playing with the words) with great Depopulation. Being burthened with Debts, for fear of his Creditors, he grudged the Noblemen that were to succeed him: he would laugh at all their Discourse, be inquisitive into their Designs, despise their kind offers, be suspicious when they seldom came to him, and when they did often attend him, would disdain their Company, till being surrounded with publick hatred, and girt about with a Watch before ungirt from his power, he was laid hold on, and brought away to *Rome*. In his Voyage he was puffed up with a conceit, because he had prosperously failed by the boisterous Coasts of *Tuscia*, that the Elements favoured, and, as it were, waited on his Innocence. In the Capitol he was lodged with *Flavius Aetlius*, the Comes Sacri, *Largitionum*, who bore respect to the Dignity of the Prefectship, as yet half-smoking in him. In the mean time the Messengers of the Province of *Gall*, *Tornantius Ferreolus*, a Prefectorian, and the Nephew of *Spargius* the Consul, by his Daughter, *Thaumastus* and *Perennis*, men of great Abilities both in knowing and speaking, and to be reckoned among the prime Ornaments of their Country, arrive with their Commission, and instructions to accuse him in the name of all the *Galls*. Amongst other things given them in trust by the Provincials, they brought a Letter intercepted, which was laid by *Arvandus* his Secretary, upon his apprehension, to be dictated by his Master, whereby he disswaded the King of the *Gaths*, to whom it was directed, from making peace with the Greek Emperor, laboured to convince him, that the *Britains* inhabiting above the *Loire* were to be fallen upon; that *Gall* by the Law of Nations ought to be divided with the *Burgundians*, with other mad stuff which would enrage a furious King, and disstate one of a mild disposition.

40. This Letter the Lawyers with heat interpreted to contain High Treason. Of it *Sidonius* and *Arvandus*, a most excellent person, were not ignorant, who accounted it a perfidious, lazy and barbarous thing to forsake their Friend *Arvandus*, now laid at, and in adversity. To him who feared no such matter they laid open the whole design, which his inflamed Enemies laboured to conceal, till the time of Judgment, that they might involve him, being unwary, and having refused the advice of his Acquaintance, in a confession by a sudden answer. They told him what they and his most secret Friends thought most safe to be done. They persuaded him not to confess the least matter; for though his Enemies pretended it was final, he would find their diffimulation very troublesome. Hearing this, he flung away, and falling into sudden reproaches, bid them be gone, as degenerate men, and unworthy of *Prefectorian* Fathers, and because they understood nothing, to let him alone with the business: to *Arvandus* his Conscience sufficed, and he would hardly confound that Advocates should plead for him in the Causes of Bribery and Oppression. They went away sad, and in confusion, as well with grief, as with the affront. For what Physician would be removed reasonably when madness seizes on a desperate Man? But see! the accused person runs about the Capitol in White Cloaths, sometimes is pleased with crafty flatteries, and with the babbles of flattery; sometimes turns over the Silks, Gems, and other costly Commodities, views them, as if he would barter for them, and in doing so complains much of the Laws, of the times, of the Senators, and of the Prince, because they would punish him before they heard him. A few days past over, and a full Senate meets (as *Sidonius* found afterward, for then he was absent) and to the Court *Arvandus* goes trimmed and smooth-faced, when his Accusers in the mean time half in Mourning, expected Messengers from the *Decemviri*, and by their squalid habit took away due commiseration from the accused Party.

to tried.

41. Those that were summoned are let in; the parties according to the custom stand over against one another, and the right of sitting, before the beginning of the Process, is offered to those of *Prefectorian* Rank. *Arvandus* now by an unhappy impudence hastes and places himself almost in the Laps of the Judges. But *Ferreolus*, with his Colleagues, fate them down quietly and modestly at the upper end of the lowest Benches, and this he did remembering himself as well a Messenger as a Senator, and was afterward the more commended and honoured for it.





Sect. 7.

the War. *Basiliscus* with all his Fleet arrived at a Town distant from *Carthage* an hundred and eighty furlongs; which had the Name of *Mercury* from an old Temple dedicated to that Pagan Deity. And had he not on purpose loitered, but gone freight to *Carthage*, he might easily have taken it by force and brought the *Vandals* under the yoke; so great a fear of *Leo*, as invincible, had seized on *Genferich* when after the Report of the loss of *Tripolis* and *Sardinia* the Fleet of *Basiliscus* appeared, as great as ever the *Romans* had had any. But the General suffered this opportunity to slip out of his Hands.

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45. But *Genferich* failed not to make his Advantage of his Neglect. As many men as he could procure and trust he got together and filled his Ships with them; and had other Vessels in readiness which had no men in them but were swift in sailing. Then sent he to *Basiliscus* to beg a Cessation of Arms for five days, to have some time for consultation how he might best be reconciled to the Emperor; and some gave out that he sent him money to purchase a Truce. This point he gained thereby, that as he had designed, he had the wind favourable for his purpose. For *Basiliscus* either in obedience to *Alar*, corrupted with money, or judging he did best, yielded to what he desired, kept his Army idle and afraid for that time that might be convenient for the Enemy. Now as soon as this was come, and that the wind blew from the right quarter, the *Vandals* having what they expected, hoisted up Sails, towed out their Ships, and such of them as were empty they hailed against the Enemy, whom when they approached they set them on fire, and with full Sails let them drive upon the *Roman* Navy, wherein being contained a multitude of Vessels it easily took hold. And spreading it self wide, a great terror, as in such cases, followed in the *Roman* Fleet, and a grievous cry, while the wind and flame made a terrible Noise, and the Soldiers and Mariners contended amongst themselves what should be done, and with their Poles endeavoured to keep off the flaming Vessels and thrust off their own without any reason or moderation.

46. But the *Vandals* omitted not to attend them and plied them with their weapons. Some they drowned and if any fled they took them and their Arms as booty, yet in such a distress there wanted not some that were mindful of the ancient valour of the *Romans*, amongst whom *Fohn* was most Eminent the Lieutenant of *Basiliscus*, yet not concerned in his Treachery. When his Ship was now surrounded with Enemies, turning himself into all quarters of the Vessel, he laid about him and did them much mischief, and when he saw it was vain, and that his Ship must be taken, from the Prow thereof he cast himself armed into the Sea, and when *Genzo* the Son of *Genferich* earnestly treated him to spare his life, promising him safety, he would not do it but drowned himself saying only this, that *Fohn* should not be in the power of Dogs. This was the End of that War, and *Heraclius* returned home. *Marcellinus* miscarried by the treachery of one of his Officers. *Basiliscus* when he came to *Constantinople* took sanctuary in the Church of Christ, the great God, which the Inhabitants called *Sophia* or *Wisdom*, thinking that Name most worthy of God. And he escaped danger, through the Intercession of *Verina* the Emperess, but at this time he could not obtain to be Emperor, out of hope of which he had left nothing undone. For, *Leo* not long after killed *Alar* and *Aradaburinus* in the Palace, suspecting that they lay in wait for his life. Thus much *Procopius* from whom it appears that by procurement of *Alar* this Treason happened, who being an Arian might bear good will to *Genferich*, a Man of his own persuasion, upon that Account as well as hatred to *Leo*: As for the Fleet thus lost some write strange things indeed; as that it should consist of eleven hundred Ships: That when the Fleets were ready to join *Basiliscus* tacked about and fled, which the rest seeing him do followed his Ship: That after this Flight the Navy lying without care or watch was set on fire by the Enemy. And that the Fleet being lost the Land Army also miscarried, the Officers thereof, when they might have taken *Carthage*, being discouraged.

47. Thus miscarried so great an Enterprize under the management of Hereticks, while, as some observe, another War committed to that of an Orthodox General, did well succeed against *Desices* King of the *Huns* and Son of *Attila*, than whom he began to be more Fierce and Ambitious; if it were possible. His Army was defeated and he himself slain in Battle. His Head was put upon a Pole and carried in Triumph up and down *Constantinople* to the great Joy of the Citizens; which passage *Marcellinus* placeth under these Consuls, and if

His Fleet  
turns.By procure-  
ment of *Alar*.Desires the  
son of *Attila*  
defeated and  
slain.

Sect. 7.

Leo takes care  
of his Revenue.

duly, then, what is written by the *Gothick* Historian and lately mentioned concerning the Dissipation of the *Huns*, and the Diffention and Ruine of the Sons of *Attila*, is to be accounted of by way of Anticipation. *Leo* having thus his Hands full, and put to such a vast Expence, had reason to be careful of his Revenue that what was duly imposed should not be diminished, and to see that the Magistrates of the Title of *Speculabiles* should take especial care thereof, as *Pro-* *De canas las*  
*gitationem* *ti-*  
*tilianum* *ced.*  
*Jul. lib. 10. tit.*  
*23. del. Rpt.*  
*Julii.*  
Consuls, *Picars*, the Comes of the East and the *Præfectus Apylalis*, besides the ordinary Governors of Provinces and their Officials, with the *Curiales*, in case of Diminution a Fine should be incurred of twenty Pounds of Gold. That he might not be defrauded by Purchasers, he published a large Constitution dated on the first of September, which declared that if either his own House or any other of whatsoever Dignity or Fortune, not by way of Patronage, but belonging to the *Metrocomia* or Mother of Villages, and not acknowledge to the Com- *L. R. de Es-*  
*toribus tribu-*  
*tionum* *cod. 7. tit.*  
*16. l. 10. tit. 12.*  
monwealth the Functions, owned and discharged by the former owner, such Possessions should be seized and assigned to the *Curia* of that City to which they belonged, that so provision might be made for the publick advantage out of the Tributary Functions.

48. In these that they called *Metrocomia* he will not allow any stranger to ob- *L. R. non licet*  
*habitantes*  
*metrocomia* *de*  
*ced. Jul. lib.*  
*11. tit. 55.*  
tain any Possessions, but if any of the Townsmen will alienate their Lands, it shall be only to a fellow-Townsmen or Inhabitant of the same *Metrocomia*, all Contracts made with Strangers being hereby declared null and void. Now a *Metrocomia* was the same amongst Towns or Villages as a *Metropolis* amongst Cities, or the Mother of Villages, and as Cities were free from the *Capitatio* so were the *Metrocomia*, but not the other Villages. But whereas to defraud the Tributary Function, many were wont to betake themselves to the Patronage of great men, he further declares that after this Sanction all such Agreements made either under pretence of Gift. Sale or Hire, shall be of no Validity; the *Tabelliones* that draw the Instruments of Conveyance shall forfeit their Estates, and the Villages that shall do it, shall be confiscated; such as receive them into such Patronage, if wealthy, shall forfeit an hundred Pounds of Gold, and if poor shall lose what Estates they have, with which loss they shall also be punished who give any aid or assistance to such Bargains. Nay this Rule he will have of Force from the time contained in a Constitution of *Murrian*; or in the Decree of *Thrace* for thirty years from the second Consulship of *Valens* and that of *Sigisbaldus* in the Eastern; in that of *Egypti Pontus* and *Asiat*, twenty five years or from the Consulship of *Cyrus*. These three Laws made up one Constitution directed to *Nicostratus* the *Præfectus Prætorio*. His Brother in the *Præfectship* of *Alyricum*, and something like in Name as well as Office, was this year *Calpistratus*, to whom another Edict we find directed bearing date this very day, whereby is declared that Fathers marrying second Wives, shall not lose their usufruct of what belongs to their Sons by the first, as descending to them from their Mothers.

49. *Anthemius* was busie this year in assisting the Design of *Leo* against *Genferich*, but he also employed his Quicker in making Edicts. He was Petitioned by a certain Woman called *Julia*, in favour of a Marriage she had contracted with one who had been her Slave, but had been also made free for the eminency of his Manners, as she alleged. Now, *Constantine* had made a constitution against women marrying their Slaves, and this she was afraid would take hold of her. In this case he thought fit to be kind to *Julia* and others in her condition, and yet to provide against such marriages as brought Infamy and other great Inconveniences to women of free and offentimes of noble Parentage. In honour of his second Consulship he declares all such marriages contracted by women with their *Liberti* or freed men to be good and valid till this present year. But severely prohibits them for the future, under pain of the marriages being utterly null and void, the parties undergoing loss of Estates and perpetual Deportation, besides that the Children born in such a State should be seized as Slaves by the Treasury. and as for the Conjunction of women with Slaves, as also of men with *Liberti* and the Slaves, he leaves them to the said Constitution of *Constantine* and the Law as it stood in force before his time. This is directed to *Luperatarius* on the nineteenth of February; who shortly after certified him that he had received from the Emperor *Leo* certain Laws to obtain his Confirmation in his World, as he words it. By an

Anthemius  
answers the Pe-  
tition of *Julia*  
as to the mar-  
riage of her  
freed man.L. R. non licet  
habitantes  
metrocomia  
de  
ced. Jul. lib.  
11. tit. 55.L. R. non 2d  
sum patrician  
de  
ced. Jul. lib.  
11. tit. 55.Novel Anthemii  
1. Dat. 10. Kal.  
Mart.Anthemii novel.  
2. circa regem  
desum stratum  
vitem.

**Señt. 7.** Edict bearing date on the nineteenth of April, he impowers him to publish “  
them for Laws accordingly; which was done the very same day.

Leo the Emperor of the East directs an Edict to *Super-cianus* in the West.

To what purpose,

Therein take  
upon him.

*Zeno and Mar-  
cian Consuls.*

Edict bearing date on the nineteenth of April, he impowers him to publish "them for Laws accordingly; which was done the very same day.

50. And the same day he published another Edict, which is singular, the like not being to be found in any Code that we can remember. It's a Constitution of *Leo* the Eastern Emperor, and yet directed to *Superincians* and said to be dated at *Rome*. Now that the Eastern Emperor should direct an Edict to a Western Prince, or the Emperor of the West to a *Præfict* of the Eastern Empire is not to be found, except it be in the Minority of *Valentinian* the second. But amongst other things said by way of Preface, he declares that he to whom Providence had committed the Regiment of the whole World, would have Law and Equity observed. That his Son *Anthemius*, (to him he gives the Attributes of *Pius* and *Triumphator* *sempul Augustus*) though the Divine Majesty and his Creation had committed full power of Empire to him, yet out of his prudent and cautious equity in which he excelled, thought him (*Leo*) to be consulted by his Sacred Address, affirming that in the parts of *Italy* many Controversies were risen about Donations of other mens Estates, made by Princes contrary to the prudence of the Laws. A Suit betwixt one *Dominna* and *Fortunatus*, gave the occasion to this determination, and before the Judges a constitution out of the Code of *Theodosius* was alleged, whereby *Constantine* ordained that though one should prove the thing given away by the Prince to be his own, yet such Plaintiff should not receive it back, but be considered some other way by the Emperor. This he thinks fit to liberty and refrain, as to declare valid the gift of the Prince, yet to leave all at liberty by due course of Law to recover their own. Therefore he decrees that the thing in controversy called *Cesana Massa* be restored to *Dominna*: for, faith he, nothing is so advantageous to the Imperial Majesty, in which equity ought to inhere, and justice to be vigorous, as to reserve "all common Right to Subjects, and nothing is more lawful or permitted to good Princes, than to private men, who ought to pretend to such liberty as is warranted by the Laws and Equity, that no man may take pleasure in another mans Goods or things unlawful, and no man may lament that he is deprived of his own Estate.

51. This singular Edict is the last of the three that bears the name of *Anthemius* and the last of all these Novels that are bound up with the Code of *Theodosius*. It seems misplaced, for the second of *Anthemius* confirms it as well as the other Laws of *Leo*. But *Leo* takes a little upon him in the Application of the Duty of Emperors and the Justice and Equity which ought to be inherent in Imperial Power. He knew probably the Circumstances of his own time, but chose of his Predecessor, and he intended a mitigation indeed of what concerned *Bona Caduca*; whereas the Confirmation of *Constantine* he mentions had respect to other things. That Confirmation is the third De *Bonis vacantibus* in the Code of *Theodosius*, and dated at *Rome* in the Palace at such time as the Difference between him and the Senate, fell out about Religion, and his parting thence and founding *Constantinople*. He had confiscated the Lands belonging to the Pagan Temples, and as convenience inclined, had assigned some of them to private Persons, and as might conduce to the advancement of Christian Religion; chiefly to the Bishop and Church of *Rome*. These Assignments being made, he found it not fit to revoke them, though possibly some private Persons might receive some lesser Inconvenience, but rather chose to make them satisfaction some other way. To be sure it was no way agreeable in other things and at other times, to his humour, to suffer any man to go away with the loss, but on the contrary he favoured such as had lost their Estates, and as *Sozomen* writes, made some other way amends to the Donors and Purchasers after restitution to the right Owners. But in some extraordinary cases it hath been the Rule, that rather a mischief should fall to some particular men, than a great inconvenience to the publick. Private Persons have been constrained to part with their Grounds for rebuilding and conveniences of a City; and what reason to the contrary, when some other way satisfaction is made?

52. The year CCCCLXIX had for Confulus *Zeno* the Son-in-law of *Leo* and *Marcian*. *Leo* sufficiently undertoot the designs of his late *Arian* Officers and how by their Intelligence with *Genferich* to hopeful an Expedition had miscarried. Yet he concealed his Indignation, and to such a degree as to make great Courtship to *Aspar* whom he knew to be the grand supporter of the Faction. He proceeded so far in the art of Disimulation, which it seems he saw very needful

A. D.  
468.

Actum sub die  
eodem.

A. D.  
160.

409.  
Zenone &  
Mariano  
off.

Sec7. fary as to promote the Son of *Alpar* to be *Cesar* which some say was agreed on when *Alpar* promoted him to be Emperor. Some write that this was *Aradarius* the *Patritian* by Dignity. Others that it was another Son whose name was *Patritius* or *Patritiolus*, and that to him he betrothed his Daughter. It's reported that *Alpar* was so earnest to have the Emperor perform his promise, that he took hold of his Robe and told him, that *It was not lawful for one to be that more that Purple*, to which *Leo* answered that *It became an Emperor also to yield to no man ; to be subject to none, especially when to be so would be to the detriment of the State*. How bold loever *Alpar* was at this time out of greediness after having the Sovereign Power in his Family, he is also reported to have renounced the *Arian* Herefie as well as did his Son who was promoted to be *Cesar* ; for such commotions happened at *Constantinople* upon the Nomination of an *Arian* to that Dignity, that he was forced if not to renounce, to dissemble that Opinion.

53. *Leo* began this year by an Edict grateful to such as were of a quiet Disposition and averse to Law Sutes. For whereas formerly in Stipulations or Contracts made by word of mouth it was necessary to use certain solemn words, Phrases or forms of Speech, he now ordained that all Stipulations, though not made with solemn or direct words but in any whatsoever, if it was with the consent of the Contractors and they were familiar to the Laws, should be of force and valid. From some eminent occasion he was concerned towards the Month of *July* to take notice how women made no confidence of promising Marriage, and afterwards flying back disappointed their Suitors, to their great detriment often as well by vexation. By a constitution directed to *Erythrus*, the *Prefect* a little to discourage them he ordained, That any woman who upon such promise of contract received Arra or Presents, should if she flew back, and if of Age restore double, if under Age single, or just so much as she had received, as the Law, also in such cases, was against a man if he stood not to his promise. This bears Date on the Kalends or fifth of *July* of this year, and is directed to *Erythrus*; and so are more Edicts concerning this subject of Marriage which having no Date at all, probably with this made up one and the same Constitution. For urgent reasons the Law prohibited Tutors and Curators their marrying their Pupils or Minors or giving them in Marriage to their Sons. But this though founded upon a good reason as is obvious enough without declaring, gave occasion to ill founded Cruples against Deputy-Tutors, or such as but transacted the business of such young women, as if they were to be apprehended as dangerous, as the other. This caused *Leo* to declare that the Prohibition belonging to Tutors and Curators should not extend to them, for else by degrees all that were but any way obnoxious to give Account, should be prohibited from marrying to himself or his son, her to whom he was, though little, engaged. He further wrote to the said *Erythrus* to prevent the injuring of Children by Father or Mother through their beaking themselves to second, or other Marriages. It was further observed that because women out of favour to their Sexes were indulged and resorted to *in integrum* if by reason of ignorance of the Law (which otherwise did not excuse) they were overreached in Contracts concerning their Inheritance or Estates, they thence took occasion to retract all Contracts whatsoever in such things as they omitted or were ignorant of. To prevent this he commanded the same *Erythrus* that the former Laws should be strictly observed, which relieved them only in case they did any thing through ignorance of the Law when they were under Age, or not five and twenty,

The unreasonableness of women restrained in claiming privileges.

**Aspar and his  
sons killed.**

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54. We are come to the CCCCLXX Year of our Lord, which had for Consuls *Severus* and *Furianus*. Some Copies have *Severianus*; and of each Name two very Eminent Men lived in the East at this time. Now did *Leo* put in Execution what he designed against *Alpar*, causing him and his two Sons *Aradurius* and *Patritius* to be killed by the hands of the Eunuchs in the Palace. *Niephorus* relates this story told by *Marcellinus* with this circumstance, that the Citizens of *Constantinople* bore *Alpar* and his Sons very evil will upon report that they entertained designs against the Emperor, but were enraged above measure when they saw an *Arian* created *Cesar*; being shortly to succeed an old Man in the Imperial Seat. They fell out into all opprobrious language in the Cirque and treated them with words in such a manner as shewed that blows would follow in a little time, of which they were sensible fled to *Chalcedon* and took Sanctuary in the Church of *Euphemia* the Martyr, all the Army following after. The Emperor sent the Patriarch promising them security if they would come forth, but they refused to com-

A. D.  
469.

Vide Baron. ad  
li. A. & que co-  
stat ex Actis  
Marcelli.

Vide Just. In  
sit. de verbo-  
rum obligatio-  
Spondes? spon-  
deo. Promittis?  
promitto. Fideji-  
ures? fidejubeo.  
Dabis? dabo.  
Facies? facian-  
t. 10. de  
contrahenda  
et committenda  
stipulatione.  
Cod. Just. lib. 8  
tit. 38.

ib. 5. tit. 1.

L. 6. de secundis nuptiis Cod. Just. lib. 5. tit. 9.

*Paul. de juris  
facti igno-  
rantia Cod. Just.  
lib. 1. tit. 18.*

A. D:  
470.  
Severo &

A. D:  
470.  
Severo &  
Ferdinando, Coss

1

SecT. 7. ply except he himself would come to them. *Leo* went and by indirect means got them out. He took them to his Table, and promised them to forget all Injuries, and other matters: but he gave orders to *Zeno* an Iaurian whom he esteemed faithful to him, to cut off their Heads as they should come to make use of the Baths of the Palace. When they came, he first cut off the Head of *Aradaburins*. At the sight *Apar* grieved, but cried out; That being old, and now gray-headed, he suffered as he had deserved, who had boasted in vain and would never obey his Admonition. For he had often told him that they should devour *Leo* before he could make a meal of them. Having said this, he also was slain. But his Son *Patritius* who was divorced from *Ariadna* the Emperors Daughter, was sent into Banishment, and the was given in Marriage to *Zeno* who had thus cut off the Conspirators. Thus much *Nicephorus*, from whom other Writers dissent as to *Patritius*, relating all the Sons of *Apar* to have been slain. If *Zeno* was the man and *Ariadna* was formerly contracted to *Patritius*, *Baronius* rightly inferreth that the marriage of him with *Ariadna* fell not out till this year, and that such as assigned it to a more early time, were mistaken.

55. For the Year CCCCLXXI *Leo Augustus* (who from the killing of *Apar* and his Sons got the Nick-name of *Maeler*) took the Consular Title the fourth time, and had *Probianus* for his Colleague. He was now well at ease, being rid of his ambitious Competitors; but so was not his Brother *Anthemius* who fared the worse for his good Fortune. The two Emperors excepted, the greatest merit in these times were of the *Arian* persuasion, and such were they who preferred them to their Sovereign Titles, for little more than Titles they really enjoyed while these *Arian* Ministers bore all the sway.  *Ricimer a Goth* and one of that Opinion, was displeased at the death of his Friends and Countrymen at *Constantinople*, and being angry with *Leo* began to be dissatisfied with him whom he had recommended to the Western Empire, though his Father-in-law. And what could not he promise himself, who upon the account of his Religion and Original had two great Potentates his Friends, *viz.* *Eusebius* King of the *Goths* in *Spain* and *Gall*, and *Genferich* the *Vandal* the Terror both of East and West, two great Persecutors upon account of that Heresie? He offered several Affronts to *Anthemius*, who taking it in disdain to be so used, and knowing sufficiently his Insolence, would not receive them without expressing his Resentment, and those Coles of Dissention being blown by the familiar Friends of both, it arose to that height that the Plots and Designs of *Ricimer* being discovered, he was glad to provide for himself by flight, and got him to *Milan*. The Nobility of those parts were very much concerned at this Breach as apprehending new mischiefs into which *Italy* would be plunged, and used all the means they could to persuade him to reconcile himself to the Emperor, and recommended to him as a Person most fit to be sent on that Errand, *Epiphanius* Bishop of *Ticinum*, or *Pavia*, a Person of very great eminency for his sanctity and abilities. *Ricimer* willingly enough complied with their Desires, as the best means to conceal his farther designed Treachery; and *Epiphanius* was sent upon the Errand. *Anthemius* was not forward to entertain him under that Character, professing *Ricimer* was a man not to be trusted, because of his Ambition, and fickle and treacherous Humour. But its said the religious discourse of the Bishop joined with the reverence due to his Person overcame him, and he durst not deny that Peace, which he concluded in his own thoughts would not be lasting. However a Peace, or rather a counterfeit Reconciliation was made.

56. The next year that followed, or the CCCCLXXII of our Saviour had *Festus* Consul for the West, and *Marcian* for the East. *Ricimer* for some time continued a Correspondence with the Emperor, but nourishing still his restless and ambitious Thoughts, and presuming he should be able either by force or cunning to destroy him, at length he broke out into open Rebellion, and with a great Force of men went to *Rome*, and in order to a Siege incamped at the Bridge of *Anienis*. This procured no small disturbance in the City, the people, though harraided with Tumults and Dissentions, siding with each party as inclined. But of whatsoever party they were, they were all oppressed with Famine, the Siege being drawn out in length, and a Plague the usual Companion of both, raged amongst them. The only hope they had was in the *Goths* inhabiting *Gall* whom they long expected to relieve them. And they wanted not will to do it, for *Bilimer* was sent with a good Army to raise the Siege, but when he attempted it, *Ricimer* turned head, gave him Battel, defeated, and slew him near the Bridge

*Ricimer* broke out into Rebellion.

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470.

A. D.  
471.  
*Leo A. & Probian*  
Cons.

*Atta Epiphanius*  
quod dicitur ad  
b. d.

A. D.  
472.  
*Festus & Marcian*  
Cons.

*Vita Sigov*  
ad b. d.

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Breaks into  
Rome and mur-  
der's *Anthe-  
mius*.

*Olybrius* Em-  
peror for a  
while.

And *Olybrius*.

The *Olybrius*  
made incur-  
sions into both  
Western and  
Eastern Em-  
pire.

Places assigned  
them to inhab-  
itate.

of *Adrian*. Upon this, more elevated and resolute he reinforced his Siege, and on the eleventh of *July* broke into the City, which he treated as *Marich* and *Genferich* had done before him. No regard being had to *Anthemius* either as Emperor or Father-in-Law he put him to death; and permitted his Soldiers to plunder the Citizens, sparing only the two Regions where he had his quarter. This being done he promoted *Olybrius*, who not long since was come from *Constantinople*, to be Emperor, and not long after, *Cassiodorus* fourty days, being seized by a Disease, in great pains of his Body if not of his mind, he went to give an Account of his Actions in another world on the eighteenth of the same month, having domineered like another *Stilicho* from the death of *Valentinian*. Neither did his lately promoted Emperor long enjoy his Purple, for some day he followed after on the three and twentieth of *October*, though others refer his death to the following year, and with better reason, *Cassiodorus* saying that he died in his seventh month. There is little said of what he did the small time he had the Power, but that to be grateful to *Ricimer* he made *Gundibarius* his Nephew a Patrician in his place.

57. The year CCCCLXXIII had *Leo Augustus* Consul the fifth time and him alone, they that were most concerned in the West having something else to think of than of making Consuls. *Leo* having notice of the late Revolutions at *Rome* resented them as was convenient he should, especially the death of *Anthemius* and thinking whom he might send to succeed him in the West, made choice of *Festus* Consul. *Nepos* the Son of *Nepotianus*, to whom he married his Niece and designed him *Cesar*. But for all this, four months passed over and there was no face of Majesty, none that wore the Purple at *Rome*, and this incouraged *Gundibarius* to take up the trade of *Ricimer* his Grandfather. On the fifth of *March* he procured the Soldiers to nominate Emperor *Glycerius*, who bore the Office of *Comes Domesticorum*, and him they adorned with the Imperial Ensigns at *Ravenna*. Thus after the death of *Anthemius* followed two, whom we may rather call Usurpers than Emperors; who had not any consent of *Leo*, nor were created after due manner, and therefore no account was had of them by those Princes that followed. Of such Tragedies as had been thus acted in *Italy*, *Genferich* the next Neighbour could not but be Spectator. And his Ambition excited him to make such use of them as his Interest with the *Arian* Princes of this time could procure. He not only did what mischief he could with his own Power in *Africa*; but he stirred up the *Ofstrogoths* to invade both the Eastern and Western Empire, alluring them by the greatness of the Booty. And to the Booty at this time they had great appetite, if what their Countryman writes be true, that the prey *ferendus de vias Gothicas* *et. 56.* likewise failed; for they had been maintained by War, and now peace became very irksome to them.

58. With open-mouths they all betook themselves to *Theodimir* their King, and desired to be led out to what quarter soever he pleased. He sent for his Brother and casting lots persuaded him to invade *Italy* where *Glycerius* now Reigned, while he in the mean time should set with a stronger Army upon the stronger or Eastern Empire. The thing was done, *Widimir* invaded *Italy*; but presently after died and left *Widimir* his Son for his Successor. Him did *Glycerius* labour with gentle language to mollify, and by presents moved him to quit *Italy* and go into *Gall* where he told him his own kinsman then Reigned. He accepted of his Presents and went as he directed him into *Gall*, where he joyined with the *Vifigoths* his Kinsmen, and made up one Body and People with them, who had dominion both in that Country and in *Spain*. *Theodimir* the elder Brother with his Forces passed the River *Saurs*, threatening to make War upon the *Sarmatians* and such others as should endeavour to oppose him, which none did concluding he would be too strong for them. Perceiving all thing to succeed as he wished, he set upon *Naissus* the first City of *Thyrrania*; and being Master of it joyined with his Son *Theodoric*, and by his Officers took in the City *Ulpiana*, and several places of the Country before this thought to be inaccessible. For they subdued in the course of this War *Heraldia* and *Larissa* Cities of *Thessaly*, after having got much Booty. *Theodimir* taking notice both of his own and his Sons felicity, resolved to improve it, and from *Naissus* went to *Thessalonica* whither the Emperor had ordered *Clarissus* a *Patrician* with an Army. He perceiving the Trenches to be opened sent to *Theodimir*, and by gifts persuaded him to quit the City; and an Agreement was made whereby were delivered up to the *Goths* to inhabit *Ceropella*, *Europa*;

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473.

A. D.  
473.  
*Leo A. & Nepos*  
Cons.

*ferendus de vias Gothicas*  
*et. 56.*

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*Europa, Medianna, Petina, Bercum*, and another place called *Sinn*, where with their King they placed themselves in quiet. And not long after *Throdemir* was seized with a mortal distemper, and calling to him the *Goths* in the City *Cervat*, nominated his Son *Theodoric* his Successor, and then died. This is that *Theodoric* of whom we are largely to write hereafter. We must add as to matters of the East this Year, that (according to the Computation of *Marcellinus* and *Cassiodorus*) *Leo* the Son of *Zeno* and *Ariadna* was born, and presently by his Grandfather the Emperor made *Augustus*. But as some write he scarcely lived ten Months after his Imperial Birth, then dying an Infant, and neither being sensible of what he got or lost. Yet others would have him not an Infant, but a Youth brought up in a vicious course of Life. Which could not be, for had he been born that very Year that his Father and Mother were married, he could not at this time have exceeded three years, according to what hath been formerly said, and *Baronius* also now observes.

Leo dies.

Good Laws made by him.

59. But the following Year, or the CCCCLXXIII of our Lord, was opened with the Consulship of this *Leo Junior*, and notable upon this account as well as for his own Death and that of his Grandfather, who now ended his Life after he had reigned seventeen years and six months. He is generally commended for his wisdom and moderation in Government, and reckoned amongst good Princes, are some blame him very much for this, that he was not sufficiently cautious whom he preferred, as *Basiliscus* and *Zeno*, both who proved great maintainers of the *Arian* Heresy, and procured disturbances in the Empire: neither did he take off *Basiliscus*, as with good reason he might have done after his Treachery, but suffered him to live and entertain farther ambitious designs for obtaining the sovereign Power. That silly opinion that the best Laws are made by the worst Princes, was confuted by him as well as others, for many excellent ones he enacted both of Ecclesiastical and Civil concernment. Some of both sorts we find without date, and cannot so well assign them to any particular Year. *Constantine* had formerly made it Capital to make any Eunuchs within the Roman Pale. But this Law became so neglected that *Leo* by a new Constitution directed to *Vivian* the P. P. forbade any such Castrated Persons to be sold, by subjecting every *Tabelio* that drew the writings of such Sale to punishment, as also him that should require the eighth penny according to the Custom; for there were certain Publicans, who from gathering this eighth penny from the sale of Eunuchs, had the name of *Officarii*. But as for Eunuchs made in barbarous Nations without the Roman Pale, those he permits to be sold. Indeed the practice of this Age was so degenerate, as usually before Revolutions, that, as *Sidonius* *Apollinaris* jestingly and yet too near to Truth, wrote to his friend *Candidianus* concerning the Maritimes of *Padus* near *Revenna*, the course of all things seemed perverted, to fober men. The Walls, faith he, fall, and the Waters stand; Towers float, and Ships lye fast; the Sick walk, and Physicians lye along; the Baines freeze, and Houses burn: the living are dry, and the dead swim: Thieves are vigilant, and those in Power sleep: Clerks turn Usurers, *Syrians* sing: Marchants turn Soldiers, Soldiers traffique as Merchants: old men play at Ball, young men at Dice: Eunuchs follow Arms, and the Confederates their Books.

He forbade Soldiers traffic.

60. Though these Incongruities might chiefly be charged upon the People of the western Provinces who were now ripe for Ruine, yet as Corruptions will ever be creeping into all States and Empires, *Leo* took notice particularly of one of those Indecencies mentioned by *Sidonius*, and that was the trafficking of military Men. He was satisfied that as by a course of Trade they neglected their own Employment, and thereby subjected the Provinces unto Danger, so in their way of Traffick they oppressed too often their fellow Subjects, making use of their military Function to enforce it, by terrifying their Neighbours, and frighting them into unequal terms, by the awe of their Girdles. For these reasons he gave in Command to *Alar* when *Magister Militum*, that Soldiers should not as much as hire any thing that belonged to other persons, neither be Procurators or Managers; Ingage themselves for any, or employ others in those Affairs. He requires that they buy themselves with Arms, not with private matters, and that they constantly attend their Colours, and preserve the Commonwealth which maintains them from all necessity of Wars. By the many warnings he had from *Genferich* and others to strengthen himself against Invasions, he was so careful to have all things necessary for War, that in a publick

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*Leo Junior*  
are Conf.Vide. tit. 42.  
de Eunuchis  
Cod. Jus. lib. 4.

Lib. 1. c. 2.

L. 3. de locato &  
conductis Cod.  
Jus. lib. 1. tit.  
65.

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The too rich furniture of private Persons.

Edict he declared that no Persons of what Dignity soever, should be excused from building or repairing of Walls, from furnishing of Wheat and other Species as the *Præfatus Prætorio* should think convenient. He was negligent as to securing himself from *Basiliscus* and his ambitious Practices, but if we may judge from another Law, he was jealous that some of his Subjects coveted his place, and that from the Splendor of their Clothes and Furniture. As *Valens* (as he was called) had formerly forbidden to Subjects the use of Cloths wrought with Gold, he forbids the putting of Pearl, Emrods or Jacinth upon Bridles Saddles or Belts, permitting them to be adorned with other Gemms: But all sorts of Gemmes he forbids to be worn in Trappings; under pain of fifty pounds of Gold to be forfeited by him that shall transgress in either kind. He further declares that no private Person except in the ornament of Matrons or the wear of Rings either by men or women, shall make any thing of Gold or Gemmes which belongeth to the Clothing or Ornaments of the Emperor. Neither shall they do this under pretence that they make those things on purpose to present them to the Prince, for he declares that he desires no such Presents, neither that Royal Ornaments shall be presented by private Persons. As a reward for any such things to be presented to him, he establishes such an one as would little gratifie the Giver, viz. no less than a forfeiture of an hundred Pounds of Gold, and of life it self to the Bargain. For as much he saith that his Royal Ornaments ought to be made by his *Palatine* Artificers within his own Court, and not up and down in private Houses or Shops. Therefore he decrees with the greatest severity, that what is sacred and agreeable in his wearing and Ornament no private Person shall rashly dare to make, under pain of incurring the Mult now mentioned.

He favoured Nobility.

Was a great friend to Liberty.

Kind to those that served in his Service.

61. That he was careful to preserve a regard to Nobility and Dignities he shewed in that he commanded that, if any publick *Baker* (or one of the *Municipes*) should by ambitious practices, favour or money, obtain the Dignity and Office of *Comes Horreorum*, he should be deprived of his Dignity, fine in twenty pounds of Gold, and be returned to his former Employment, without any special Indulgence to be obtained. But to liberty he was a great friend, which to obtain he ordained an extraordinary and singular manner. Amongst the Presents lately mentioned and forbidden to be made to him, it seems that Eunuchs were not to be reckoned, but that sometimes such were presented to serve him in his Bed Chamber. As he or his Colleague *Anthemius* had privileged their Bed Chamber-men from being converted before any other Judge than the *Magister Officiorum*, he declared that all that were already admitted into his Chamber, whether given by the liberality of any person, or upon any other account, and to be admitted for the time to come, if Slaves should *ipso facto*, without intervention of Writings or Acts, obtain Liberty and Ingenuity; may this should extend unto the dead, so far as they could be concerned. He gives this reason, that it was a seemly privilege of Imperial Majesty, not to be served by Slaves, but persons of free condition. He grants them therefore power to make Testaments as well as other men. But in case they die without lawful Heirs, he declares that their Estates shall come to his Treasury. This Immunity he gives in case any Persons do voluntarily present him with their Eunuchs. But if it be found that any thrust themselves into his Service, without the consent of their Lords, he allows the owners to recover them together with their *Peculium*. Provided they lay their claim within five years, which prescription of time shall bar them. And all this he extends to Women as well as men, which by their Lords were or should be given into his Bed Chamber.

62. He was as kind to those that served in his *Scrinia*, whom he declared free from forbid Employments, and Tolls according as the Law formerly had provided for them. Now these Tolls of vendible things rose and fell according to the pleasure of Princes; of old the twenty fifth or sixtieth part was taken of the price of Slaves, of other things the hundredth, which *Tiberius* reduced to the two hundred penny, and *Caligula* brought it down to the three hundred so far as the Provinces of *Italy* were concerned. More than this he declared them

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L. ult. de quibus manibus, &amp;c. Cod. Jus. lib. 1. tit. 48.

L. an. Nulli licet in vestibus, &amp;c. Cod. Jus. lib. 1. tit. 11.

L. an. de Jure, lib. Cod. Jus. lib. 1. tit. 15.

L. 3. de de Praescriptis, lib. Cod. Jus. lib. 1. tit. 5.

L. 1. §. 10. de Praescriptis, lib. Cod. Jus. lib. 1. tit. 19.

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them free from public and civil Services, as also from the *Metatus*. And he thought fit to establish the Number of them; as in the *Serinium Memoria* sixty two, in the *Serinium Epistolaram* thirty four, and as many in the *Serinium Libellorum*. In the *Serinium Memoria* he would have no fewer maintained than four *Antiquaries*, as they were called, or Copiers of Books, and no *Memo-rials* to supply or execute two places. But he seems most concerned about military men, forbidding still by another Constitution directed to *Diogor* that they undertake any civil Employment. And that the Army may not be filled with unskilful men, or the Cities and Towns emptied upon this occasion, he forbids any *Cavalis* or *Cohortalis* to betake himself to the *Armata Militia*. He was indulgent enough to his Servants and Ministers; but as other Princes before and after him he found occasion enough in his Reign to restrain their Extravagancies. One in his time was committed by the Governors of Provinces themselves, who though they had in the Cities of their jurisdiction Palaces, *Pratoria*, or public Houses to dwell in, yet would get into those of private Persons, whereby two mischiefs followed. For the Owners might be outed of their Habitations or forced to unequal terms, and the public Houses were neglected and fell to decay. To prevent which, he gave in a Constitution, express charge to the *Præfets* that such Governors should be constrained to inhabit the respective *Palaces* and *Pratoria*; and where, in the same City, there was both a *Palace* and a *Prætorium*, the former should be assigned to the Habitation of the *Præfets*, and the latter he employed as a *Granary* for receiving or keeping of Corn or other *Species*, or to some public and necessary use. If any Governor act contrary to this Law, he and his Office shall forfeit fifty Pounds of Gold to repair the Palace so neglected.

He commands that Governours dwell in the Palaces or *Pratoria*.

Zeno Emperor.

63. *Leo* at his death is reported to have left his young Grand-Son *Leo* his Heir and Successor, and *Zeno* only the Childs father, his Protector or Guardian. But *Zeno* when the old man was gone, and he had the power in his own Hands, would not be so put off. The Sovereign Power of an Emperor we know was very great; they were loosed from Laws that bound other Persons. They could adopt those that were elder than themselves. Such Acts of State as passed in their Minority their *Questors* Hands, were as we have said, authentick, as now in our present Age, Laws enacted in the Minority of Princes from their authority receive their force, though managed by their Protectors or Regents of the Kingdom. By virtue of this fulness of power the Imperial Authority flowing from an Infant, but managed by *Zeno*, invested *Zeno* it seems, with the Imperial Dignity, and as if the Child had done his part, now he passed off the Stage, for he survived not long after. How long it was we know not, but we will have recourse to the Laws, and see what from the Dates of them can be Collected. Its only thus much, that he was alive, and his Father had the Title of *Augustus* on the two and twentieth day of *April* of this year. For in the Code there's a Constitution bearing both their Names, which declares that when any doubts arise concerning new Laws, which is not approved by old custom, in such case the Judge must suggest it to the Prince and receive his determination. It further appears that on the sixteenth of *March*, *Zeno* had the Imperial Title, by a Law of that Date inscribed to *Fustinian* *Præfets* of *Constantinople*, concerning the Privileges of the fifteen Advocates in his Court, that should enjoy the same with the Advocates of the *Fiscus* and their Children, and which the sixty fourth in the Court of the *Præfets* *Prætorio* enjoyed. There are five other Laws extant which bear both their Names, but they generally tend to the establishment of the jurisdiction of the *Magister Officiorum* over those employed in the Palace, of which we have already spoken enough.

64. Not long after the Date of the former Law we may suppose the Infant *Leo* passed to the place of Innocents; but whether sent by the violent hand of his Father or no we cannot tell. Yet some, as *Paulus Diaconus*, reported it, and others tell another story, as if some other should be killed for him and he be sent away and educated privately, and should have lived till the time of *Fustinian*. *Evagrius* tells us that *Zeno* after the death of *Leo*, having by the assistance of *Berina* the Empress obtained the Purple, and after that of his son the sole Title and

Very debauched.

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L. 16. de Instit. libellorum. l. 12. tit. 30. l. 12. tit. 31. l. 12. tit. 32. l. 12. tit. 33.

L. ult. de Off. Præfets. l. 1. tit. 1. l. 1. tit. 1.

Nostrorum et Augusti. l. 1. tit. 1. l. 1. tit. 1.

L. 16. de Advocatis diversis. l. 1. tit. 1. l. 1. tit. 1.

L. 1. tit. 1. l. 1. tit. 1.

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and administration, as if he had been perfwaded that he could not enjoy the Dominion of the whole World, except he violently pursued all sorts of pleasures which occurred, did at his first beginning to give up himself to all allurements of Vice, that he refrained from no filthy or flagitious Act, but for wallowed in his filthiness, as thinking it the humour of a bafe and low Spirit to commit such things in darkness or an hidden manner, but Royal and worthy of an Emperor to do it in the Eyes of all men. In which practice faith our Writer he was of a perverse and absolutely servile Judgment. For a Prince is not to be valued because he commands other Persons, but for this that he can go govern and moderate himself, that he suffer no absurd sort of pleasure to creep into his mind, but keep himself so impregnable as to Intemperance, that his life may be the Image of Virtue, by which his Subjects may be instructed to imitation. But he exposed himself to the temptations of Vice, and by degrees was reduced into so filthy servitude, that thence he could not by any means be redeemed. After some other discourse he adds that his Subjects, as well those that inhabited the East as the West were grievously harafed. For the *Barbarians* called *Scenite* overran all places; and a multitude of *Hunas*, of old called *Massagetes*, made an Incurion into *Thrace*; nay passed *Danubius* without the controul of any.

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Julius Nepos Emperor of the West.

65. But, while these things happened, *Julius Nepos* the Sisters Son of *Marcellinus* once a *Patritian*, who had been by *Leo* as we said, designed Emperor of the West, hearing that *Glycerius* had seized the Purple was much concerned; and resolving to disturb him in his Seat, got together a power of men in the Eastern Parts, and obtaining ships of the Government, put them on Board, and landed them near to *Rome*, and that with such success, that *Glycerius* out of fear, as utterly unprovided, flying to a place called *Portus*, as some write, he then besieged him and forcing him to surrender himself, he devided him of the Imperial Ensigns, which he put on himself, on the four and twentieth of *June*. *Nepos* takes this *Portus* for a Town near to *Rome*, but *Fornandes* writing how *Nepos* deposed *Glycerius*, faith he ordained him a Bishop, in the *Port* or Haven of *Rome*. The Bishoprick was that of *Salona* in *Dalmatia*, and probable it is that upon notice of the Arrival and power of *Nepos*, *Glycerius* submitted and the Accord was made at *Hofia*, or thereabouts where he landed. *Fornandes* further writes that *Eurich* King of the *Goths* in *Gall* incouraged by these varieties and Alterations, seized on the City *Averna*, in which then resided as Governor *Decius* a most noble *Roman* Senator, and the Son of *Avitus* late Emperor. But for *Decius* is to be read *Ecdicius*, who was Brother-in-law to *Sidonius Apollinaris*, to whom are extant several of his Epistles, from which it will appear what the State of the *Averni* was at this time in reference to the *Goths*, who indeed did exceedingly distress them, though they took not the City this year. But of these matters we treat particularly in the History of the Kingdom of the *Goths* in *Gall* and *Spain*.

66. The Year of our Lord CCCLXXV had only *Zeno* the Emperor Confil in the East; they of the West having other things to think of, where the Government and Imperial Dignity, like things contemptible, were tossed from hand to hand without any reverence or respect; the fate of the Empire now been in a manner in servitude. How they that bore it were advanced by others who expected to be obeyed as Patrons by those their Clients, or rather their Players whom they had adorned with Purple to act the Part of their Fools, rather than any thing else; and when they displeased them they would drive them off the Stage again. That those Brokers of Majesty of late had been Officers of the Barbarous Nations, we have abundantly seen; as also that though they made this Majesty so mean and contemptible in the Eyes of all judicious Persons (however dear the purchasers paid for it) yet they had such reverence for the ancient glory of it, or were so struck with an awe of the *Roman* Name, that they adventured not to take it themselves, neither transferred it into their own families; if will was present power and success being wanting, as to *Silicho* when he fought to advance his Son *Eucherius*. But now the fatal time of

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the Empire being come, it had the fortune to die by degrees, not in the most sudden and violent manner. Being to fall, it was to fall from one step to another, and so to the ground, not from the highest pitch, but from a meaner place, that it might be with lesser noise and pain. *Ecdicius* stoutly defending, or, as others say, having yielded up the City of the *Avernus*, was sent for by *Nepos* and honoured with the Dignity of *Patritian*. Into his place and power in *Gall*, the Emperor thought fit to promote *Orestes*, whom he had advanced to the Dignity of *Magister Militum*, which he added to that of *Patritian*.

A. D.

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Augustus Emperor in the West.

67. This *Orestes*, its said, was a *Goth*, who by his military Actions had got reputation, and commanded the Auxiliaries of that Nation, in *Italy*. He being ordered for *Gall*, to give restraint to the ambitious Practices of *Eurich*, when he had his Army now ready at his Devotion, and considered what advantage he might take at the weak condition of *Nepos*, whom he could easily suppress if he pleased, gave way to his Appetite, and coming from *Rome* to *Ravenna*, where the Emperor lay, easily spoiled him of the Imperial Ensigns, which he refused to put upon his own Son, who by the Soldiers was admitted and owned for *Augustus*. And such he was before in Name, though out of prospect of the Thing his Father could scarcely be induced to give it him. He is generally called *Augustus*, but his true name was *Momilius Augustus*, as *Baronius* from an ancient Coin exemplified in his Annals shows, who takes it for granted that the People in a jeering manner called him *Augustulus*, being wont to give Nick-names as that of *Caligula*, and it might be the more readily received because *Augustus Augustus* did not so well found as *Augustulus Augustus* with some variation. *Orestes* having lustily provided for his Family, the better to establish it, sent and entered into a League with *Genferich*, the greatest Potentate of his Neighbours, and in *Gall* took such order as he thought convenient for stopping the progress of *Eurich* against the *Avernus*; but all to little purpose, as we shall perceive in the following year, when we have seen how in this present, *Zeno* behaved himself in the East.

68. However his practice might be irregular and suitable to that description of his Manners which *Evagrius* gives us; he took care that others should do their Duties, or be liable to Accusations and Punishment if they acted contrary. By the ancient Law called *Lex Julia Repetundarum*, All Judges *Military* and *Civil* were obliged to continue in the places of their Administration, fifty days after the laying down of their Employments, and of this we have seen something also since enacted by imperial Authority. But the present behaviour of Governors of Provinces gave fresh occasion to the reinforcing and enlarging former Acts of State, which *Zeno* did on the eleventh of October, by a Constitution directed to *Sebastian the Prefectus Prætorio*. It ordains that none of the *Clarissimi*, the *Præsides* of Provinces, *Consulares* or *Correctors*, or such as have obtained the Ensigns of greater Administration, that is to say the *Speltabiles*, as *Proconsuls*, the *Præsides Augustalis*, *Comes of the East*, *Picar* of any Tract, any *Dux*, or *Comes* of any Limit whatsoever, or *Comes* of the Divine Houses, after he hath a Successor shall dare to stir out of the places he governed, before the number of fifty days be completed. But during this space of time, the *Præsides*, *Consulares* and *Correctors* shall continue, in the *Metropolis*, and those of the Degree of *Speltabiles*, both Military and Civil in the more eminent Cities of the *Dioecesis* governed, and that publicly, not lurking within doors, not in religious places or Regions, or Houses of great men, but conversing openly in the most frequented places in the Eyes of them whom they have governed, that free Liberty may be afforded to all men to accuse them of Thefts or other Crimes, so as being defended from all Injuries by their Successors, and at the peril of their Office, as also of the *Civitates* and *Defensors* of the Cities, giving only a juratory caution, they be forth-coming to answer according to Law, to any one that shall accuse them. Neither shall the Revocatory Letters of the Prince himself excuse any from staying these fifty days, not a Commission for any other Government, not the Precept of the Prefect, or of any other Power, Military or Civil, for discharging any other trust, that so all Craft may be prevented, and what

Zeno ordains that Governors stay in their Provinces some time after their administration expired.

¶ Qui qui admittitur in provincias imperialis infantes maneat. De rebus sic ut et quod certum est labore vel pere, vel merito adquirentis, si liquid aditum esse et obtinuisse simpliciter, vide Notae in lib. vii. de omni Juris Cod. Just. lib. i. tit. 49.

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what the Emperor designs for the security of the Provinces, may take effect.

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69. He that shall violate this Law, shall incur a Fine of fifty Pounds of Gold, and also his Successor, who shall not stop and keep in his Province such an Offender, nor give speedy notice of his Flight. Now it is declared that none shall quit his Place or administration till his Successor be come to the Borders of the Province, And such Person as shall go away before the fifty days be expired, wherever he shall be discovered, though in *Constantinople*, by command of the Prefect without any delay, and by the care of the Governor of the Province wherein he shall be found, shall be conveyed back to continue six months for the discovery of his Faults. The Office of the Governor who neglects to stop him that will be gone (though with due respect) shall forfeit thirty Pounds of Gold. In case he be accused within fifty Days, and the Suit be begun, if there be not time remaining out of the fifty to end it, if he be only sued civilly, he shall have liberty to make his Proctor, and then he may depart; if Criminally, the Adversary inscribing his Name according to the custom of submitting to the *lex Talionis*, he shall be forced to continue in the place till the matter be decided. Moreover all Judges before whom such Controversies shall be decided civilly or criminally, whether by right of their Administration, or by Precept from the Prefect, must know, that if they do not end them within the space of twenty days from their commencing, for their neglect they shall forfeit ten pounds of Gold. And their decisions and final terminations shall be good.

The remarkable year.

70. At length we are arrived at the second Consulship of *Basiliscus*, and that of *Armatas*, at the year of our Lord CCCLXXVI, a year of great Revolutions. For great that must be indeed which put an end to the dominion of that City, which had so long exercised it over so great a part of the Earth, as was called the *Roman World*; which put an end to her Dominion, brought her into Subjection to *Barbarians*, and made her trundle, in stead of being the Head of an Empire among other Members of an *Italian Kingdom*. But so now it was. *Orestes* had already indeed brought the Dominion into a *Barbarous Family*; but still the Name of Empire continued; and as the name of his Emperor, for the Title, Jurisdiction, Authority, and all were owned to be *Roman*. But the Nobility that sided with *Nepos* were much dissatisfied, and they thought it a thing already as bad as could be, and if the Sovereignty must be placed in *Barbarous Hands*, then they would have a Man of their own choosing. At this time there was eminent in the Northern Parts, *Odoacer King of the Heruli*, *Thuringi* and *Gyri*, by original a *Rugian*, or inhabitant of an Island planted in the *Baltick* with *Germans*. He, as well as other Captains of the *Barbarous Nations*, had a mind to be trying his Fortune in *Italy*; and, as he desired he, was chosen to this conduct by the Nations who rising out of *Pannonia* and those Coasts, desired nothing more than to invade that harassed Country. They had got a taste of the goodness thereof, in the Invasions of *Attila*, and now sufficiently underfoot in how pitiful a condition *Momilius Augustus*, that thing called an Emperor, was; how unable to withstand so great a shock as they were able to give him.

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Basiliscus 2.  
Armatas  
Orestes

Odoacer King of the Heruli overcomes Orestes.

71. Yet *Orestes* was ready and met him on the Borders of *Italy* with a very good Force as he could judge, but when he came to compare the strength of the Enemy with his own, he found himself inferior in numbers, and well he might be, for the *Goths* forsook him, because as some report, he had not divided to them the third part of the Lands, as he had engaged. He thought it best to retreat to *Pavia*, and there he fortified himself, having more reason to trust to the strength of the Walls, than Fidelity of his Soldiers. *Odoacer* was not far behind, but pursued and resolved to attack the City. And within a few days he became master of it, and of *Orestes* in it. The City was permitted to be plundered by the Soldiers, who made cruel havock of all things and Persons, while to find out Treasure they omitted none of the cruel means, and it was in a manner reduced to Ashes with its two Churches, *Epiphanius* its Bishop being roughly handled, though he prevailed

Paulus Diaconus

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In saluted King  
of Italy.

vailed for the Liberty of his Sister and other Women. This hapned on the three and twentieth of *August*, and *Odoacer* was by his men saluted King of *Italy*. Contented, yet proud with this Honour, he went to *Placentia*, and there put to death *Orestes*, which done there nothing remained but to suppress *Augustus* his Son. To effect this he proceeded to *Ravenna*, where though he missed of him, he took and killed his Uncle *Paul* the Brother of *Orestes*. Now he thought fit to take in the several Cities which seemed averse to his Interest. For this purpose he distributed his Forces which made sad desolations in several places, the Empire of *Rome* not being to fall without many other Cities buried in its Ruines, which *Mutina* to some really seems to have been; there being no mention of it, nor its neighbour *Regium*, afterwards made in the *Gothick* Wars. At length the Conqueror goes to *Rome*, the Inhabitants whereof went out to meet him, and received their Lord and Sovereign with Acclamations. *Momilius* almost dead for Fear, put off the Imperial Habit of his own accord, and was confined by *Odoacer* to *Lucullanum* a Castle in *Campania*, where we may imagine he quitted the Name as well as the Title of *Augustus*, for fear the Conqueror should find Treason in it as well as the other.

Momilius de-  
vests himself  
of the Purple.

71. That Tempest of Violence and usurpation which raged at this time, and was so powerful as to overturn an Empire so firmly rooted, had also its effect in the East, and at *Constantinople*. For there *Basiliscus* who had been spared by *Leo*, could not brook *Zeno* should be preferred before him; but laid his Trains so artificially, that therewith *Zeno* circumvented was constrained to be gone, some say into *Isauria* his Country, others into *Italy*, and *Basiliscus* was by the Soldiers saluted Emperor, which Title having assumed, he conferred that of *Cesar* on his Son *Marcus*, and for about a Year and an half he prospered in his usurped Power. Thus new *Rome* seemed to sympathize with the old, and could not but fall sick, when she laboured under her mortal Distemper. And this happened the very same year, though at what time we cannot exactly tell. By the dates indeed of three Laws extant in *Fustinian's* Code, which have been by the Annotators assigned to this year, it must have been after the Month of February, toward the later end of which one of them is said to have been made by *Zeno* yet in power. But some mistake is committed in the Date of them, and indeed *Basiliscus*, not *Basiliscus*, is said to be Consul: moreover another which bears his Name, and hath this year set to it, is said to be dated on the twenty eighth of December, which could not be, for he was forced into retirement before that time, and besides *Basiliscus* is noted as Consul. But thus was the whole Empire distressed and in disturbance; but that of the West quite failed, being cantonized and parcelled out into the Possession of Barbarians. Our *Britain*, as we have seen, was harassed by *English Saxons*, *Picts* and *Scots*, and quitted long since by the *Romans*. *Spain* was held by the *Goths*, *Suevi*, *Alans* and such like; *Africa* by *Genfrich* and his Vandalls; In *Pannonia* and several Provinces Eastward the *Huns*, *Goths* and other Barbarous Nations had nested themselves. *Gall* was lately held and divided by *Tetrarchies*; for besides that Pittance which remained to the Emperor, it was parted by the *Goths*, *Burgundians* and *Franks*. And now last of all *Italy* it self was inflaved to the *Herali*, and the Mistress of the World reduced to a Condition below that of Majesty.

Zeno driven  
from Constantinople  
by Basiliscus.The Empire in  
the West fails.

72. Thus we see the Inconstancy of all Sublunary things, the Vicissitude of human Affairs, and the vanity of all Mundane Greatness. *Rome* which had triumphed over all the World, now afforded herself matter for a Triumph, lost her Dominion and became subject to such Abject People, as formerly, though not of late, she had despised with the greatest Scorn. Behold another Face of things. She had run a madding after the new Fashions and Novelties of the *Barbarians*, and was now forced to receive them, not as Foreign but Domestick; and the *Gown* in reality must give place to the *Pell*. She had been Captivated in mind before she was taken, and now was become inflaved to all purposes. So do Novelties longed after often bring a Surfeit, and the World being a Stage seems to affect, and to be afflicted with,

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variety of things and Persons, as well as men. This Empire of old *Rome* as it began in *Augustus*, so it ended in one of the same Name, the like of which is to be observed of other Kingdoms. Now it remains that we first treat of the remaining part of the Empire, though still *Roman* in its Body, yet as headed by the New or Daughter *Rome*, viz. *Constantinople*. And then of the original of the several Nations which cantonized the Western Empire, and of their Kingdoms therein erected, in order, as these Kingdoms were contemporary with the *Constantinopolitan Roman* Empire.

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And of these, God willingly, shortly.

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